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Titles of the Regulations Passed in the Year 1828

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TITLES

OF THE

REGULATIONS,

PASSED IN THE YEAR

1828.

REGULATION I.

A REGULATION *for empowering the Governor General in Council to Commute Sentences of Imprisonment for life in the Allipore Jail to Transportation for life in any of the British Settlements in Asia, in certain cases,—Passed by the Governor General in Council on the* 10*th April,* 1828.

REGULATION II.

A REGULATION *for rescinding parts of Regulation I.* 1799, *—Passed by the Governor General in Council on the* 10*th April,* 1828.

REGULATION III.

REGULATION III.

A REGULATION *for the Appointment of Special Commissioners for the more speedy hearing and determination of Appeals, from the decisions of the Revenue authorities in regard to Lands or Rents occupied or collected by Individuals, without payment of the Revenue demandable by Government, under the general Law of the Country, and for otherwise more effectually securing the realization of the public dues,—Passed by the Governor General in Council on the* 12*th June,* 1828.

REGULATION IV.

A REGULATION *to declare and extend the powers to be exercised by Collectors, when making or revising Settlement, under the provisions of Regulation VII.* 1822,—*Passed by the Governor General in Council on the* 7*th August,* 1828.

REGULATION V.

A REGULATION *for authorizing the Zillah and City Courts to execute Awards of Military Courts in certain cases,—Passed by the Governor General in Council on the* 28*th August,* 1828.

REGULATION VI.

A REGULATION *to explain the intent and meaning of certain parts of Regulation II.* 1823,—*Passed by the Governor General in Council on the* 4*th September,* 1828.

REGULATION VII.

A REGULATION *for amending the provisions of Regulation XV.* 1795, *and for defining the authority of the Rajah of Benares*

Benares in the Mehals therein referred to,—Passed by the Governor General in Council on the 12*th September*, 1828.

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ALTERATIONS,

ALTERATIONS, MODIFICATIONS, EXTENSIONS, RESCISSIONS, &c.

Regulations Altered.				*By what Regulation.*		
Regulation.	*Section.*	*Clause.*		*Regulation.*	*Section.*	*Clause.*
1795						
II.	XVII.	*Sixth.*	Modified	VII.	II.	
V.	VIII.	———				
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1819						
II.	XXII.	———	Modified and Extended	III.	X.	*First.*
———	XXIII.	———				
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I.	———	———	Amended	VIII.	II.	
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	Regulation.	*Section.*	*Clause.*
AFFRAYS.			
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In what manner Convicts, under Sentence of Imprisonment for life in the Allypore Jail, are to apply to have their Sentences commuted to transportation for life, ...	I.	II.	*First.*

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A. D. 1828. REGULATION I.

A REGULATION *for empowering the Governor General in Council to Commute Sentences of imprisonment for life in the Allypore Jail, to transportation for life to any of the British settlements in Asia, in certain cases.*—PASSED *by the Governor General in Council on the* 10*th April* 1828, *corresponding with the* 30*th Chyte* 1234 *Bengal era; the* 10*th Bysack* 1235 *Fusly; the* 31*st Chyte* 1235 *Willaity; the* 11*th Bysack* 1885 *Sumbut, and the* 24*th Rumzan* 1243 *Higeree.*

WHEREAS some of the Convicts now under sentence of imprisonment for life in the Allypore Jail, have expressed a desire to have their sentences commuted to transportation for life; and whereas it may, from time to time, be convenient that convicts should be transported to the coast of Tenasserim, or to other British settlements to which Convicts are now usually transported, Preamble.

transported, in lieu of being imprisoned for life in the Jail at Allypore; the following rules have been enacted by the Governor General in Council to be in force from the period of their promulgation.

In what manner Convicts under sentence of imprisonment for life in the Jail at Allypore, are to apply to have their sentences commuted to transportation for life.

II. *First.* Whenever any Convict, sentenced to imprisonment for life in the Jail at Allypore, shall be desirous of obtaining a commutation of his sentence to transportation for life, he shall make known his wishes to that effect, either verbally or in writing, to the Superintendent or other Officer in charge of the Jail, who shall call such Convict before him, and after taking down his request in writing, to be signed by the said Convict and attested by two or more respectable persons, shall report the case for the orders of Government, stating at the same time any objections which in his opinion may exist to the commutation of the sentence on account of the dangerous character of the Convict, or other circumstances.

The Governor General in Council competent to commute the sentence.

Second. It shall be competent to the Governor General in Council, on a consideration of the report above-mentioned, to commute the sentence passed upon the Convict of imprisonment for life in the Allypore Jail, to transportation for life to any of the British settlements in Asia, and the sentence so commuted shall be carried into effect in the same manner as sentences of transportation beyond sea for life are now enforced.

The provisions contained in Section V, Regulation XII. 1818, to be applicable to Convicts who may escape from transportation.

Third. The provisions contained in Section V. Regulation XII. 1818, are hereby declared applicable to Convicts whose sentences

sentences may be commuted under the foregoing clause, and who shall escape from the place of their transportation, and return, without permission, to any part of the Company's Territories.

A. D. 1828. REGULATION II.

A REGULATION *for rescinding parts of Regulation I.* 1799.—PASSED *by the Governor General in Council on the* 10*th April* 1828, *corresponding with the* 30*th Chyte* 1234 *Bengal era; the* 10*th Bysack* 1235 *Fusly; the* 31*st Chyte* 1235 *Willaity; the* 11*th Bysack* 1885 *Sumbut, and the* 24*th Rumzan* 1243 *Higeree.*

WHEREAS the enforcement of the rules contained in Section III. Regulation I. 1799, which provide that no trade or intercourse whatever shall be carried on by any person resident in the Company's Provinces, with the Country lying to the North West of the Surmah River, has been found incompatible with a general freedom of trade in Chunam, and other Articles, on the frontier of Sylhet, which it was the object of that Regulation to promote, the following Regulation is passed by the Governor General in Council, to be in force from the date of its promulgation. Preamble.

II. Such

Parts of Section III. Regulation I. 1799, rescinded.

II. Such parts of Section III. Regulation I. 1799, and generally any other provisions of that Regulation, which prohibit persons residing in the Company's Provinces, from carrying on trade or intercourse with the Country lying to the North West of the Surmah River, are hereby rescinded.

A. D. 1828. REGULATION III.

A REGULATION *for the appointment of Special Commissioners for the more speedy hearing and determination of appeals, from the decisions of the Revenue authorities in regard to Lands or rents occupied or collected by Individuals, without payment of the Revenue demandable by Government, under the general law of the Country, and for otherwise more effectually securing the realization of the public dues.*—PASSED *by the Governor General in Council on the* 12*th June* 1828, *corresponding with the* 31*st Jeyte* 1235 *Bengal era; the* 14*th Assaur* 1235 *Fusly; the* 1*st Assaur* 1235 *Willaity; the* 15*th Assaur* 1885 *Sumbut, and the* 28*th Zehkaad* 1243 *Higeree.*

Preamble.

BY the provisions of Regulation II. 1819, and other Regulations subsequently enacted, Collectors and other local Revenue Officers, throughout the provinces subordinate to this Presidency, have been empowered, with the sanction of the Boards of Revenue,

Revenue, to institute enquiries with a view to the resumption and assessment of all lands held free of rent, or at an inadequate rent under invalid tenures; Commissioners have likewise from time to time been appointed under the orders of Government to maintain and enforce the public rights in different districts, in which extensive tracts of Country unowned and unoccupied at the time of the perpetual settlement, are now liable to assessment, or, being still waste, belong to the State. It was, at the same time, provided in the Regulations above adverted to, that, in all cases in which the Revenue Officers might declare the lands of any individual liable to assessment, the party might contest the decision by suit in one of the ordinary Courts of Justice, such provision having been made with the intention that the decisions of the Collectors and the Boards should be held and considered to be Judicial awards, and that the suits preferred to the ordinary Courts, being of the nature of appeals, should be speedily disposed of. It has however, appeared that partly from the number of the cases in question, partly from the practice of the Courts in treating the appeals made to them as original suits, and partly from other causes, little or no progress has been made towards the settlement of the matter, and heavy arrears of such cases have accumulated in several of the Courts and Boards of Revenue: that the existing laws have not been adequate to secure for the Revenue authorities the information required, and that consequently, while, on the one hand, a large amount of Revenue continues to be usurped without any just pretence, and the improvement of the Country is hindered by frivolous and litigious claims, on the other hand, the owners of valid

valid tenures are disquieted and disturbed. To remedy the aforesaid evils, it appears to be expedient to appoint Special Commissioners competent to determine finally all cases of the nature above described, within such local limits as may from time to time be deemed necessary; to declare the intent and meaning of the existing Regulations in regard to suits preferred to the ordinary Courts relative to such cases; and to provide that all successions to the possession of land or rent, free of assessment whether by sale, gift, or inheritance, shall be regularly reported to the Revenue authorities. It has likewise appeared to be expedient and proper to make provision for the immediate settlement of the limits of the Soonderbuns, as ascertained by careful local enquiry, conducted by the Commissioner specially appointed to the duty, and the Surveyors under his authority: and also to declare the intent and meaning of certain parts of the existing Regulations in regard to which doubts have arisen.—The following rules have accordingly been enacted to be in force from the date of their promulgation throughout the provinces immediately subordinate to the Presidency of Fort William.

Special Commissioners to be appointed for the purpose of determining cases investigated by Collectors, under the Rules of Regulation II. 1819, and other similar provisions.

II. *First.* It shall be competent to the Governor General in Council, by an Order in Council, to appoint one or more special Commissioners as may be judged expedient, for the final determination of all cases which have been or may be investigated by Collectors, Deputy Collectors, or other Officers exercising in that behalf the powers of Collectors, under the rules of Section V. and the fifteen subsequent Sections of Regulation

II.

II. 1819, and of Section V. Regulation IX. 1825, subject to the provisions hereinafter enacted: And the Commissioner or Commissioners so appointed, shall similarly determine all suits which may be brought to contest the demand of the Revenue Officers on the plea that the annual rent or assessment upon which the demand is founded exceeds what the party is bound to pay, and which may consequently involve the question of a permanent increase or reduction of the public Revenue.

The jurisdiction of the Special Commissioner or Commissioners, to extend to such districts or portions of districts as Government may direct.

Second. The jurisdiction of the special Commissioner or Commissioners appointed as above shall extend to such districts, or portions of districts, and for such periods, as the Governor General in Council may direct: and it shall be competent to the Governor General in Council to fix and appoint the functions to be discharged by each Commissioner, and to assign to him such local jurisdiction as may from time to time appear proper.

Government competent to fix and appoint the functions of each Commissioner, and to assign such local jurisdiction as may appear proper.

Notice of juriadiction vested in Commissioner or Commissioners, how to be published.

Third. Whenever any Commissioner or Commissioners shall be vested by the orders of the Governor General in Council with jurisdiction in any district or other division, notice thereof shall be published by proclamation at the Cutcherries of the Judge and Collector of such district, and shall likewise be communicated, through the Court of Sudder Dewanny Adawlut, to the Provincial and Zillah Courts concerned.

Courts to suspend the exercise of the powers vested in them, in regard to all cases, cognizable by the Commissioners, on being apprized of their appointment.

Fourth. Whenever any of the said Courts shall be apprized in the manner above specified of the appointment of a Commissioner or Commissioners to exercise the powers specified in this

this regulation within any Zillah or other local division, the powers heretofore vested in and exercised by the said Courts in regard to all cases belonging to such local division of the nature declared cognizable by the Special Commissioners shall be suspended, and the said Courts shall immediately stay all proceedings in such cases, until they shall be apprized that the local jurisdiction of the Commissioner or Commissioners has ceased, and further, the said Courts shall forthwith transmit to the Commissioner the records of all cases of the above nature, which may be depending before them: Provided also that no appeal shall lie to any of the established Courts of Judicature from any decision which has been, or shall be passed, by the Board of Revenue, or a Collector, in regard to the Revenue of any lands lying within such local division, previously to, or pending the appointment of a Special Commissioner.

And to stay all proceedings in such cases, until apprized that the local jurisdiction of the Commissioner has ceased.

Records of such cases, depending before the said Courts, to be forthwith transmitted to the Commissioner.

No appeal to lie to Courts from decisions of the Board of Revenue or Collectors, in regard to the Revenue of lands within such local division, passed before or pending the appointment of a Commissioner.

Fifth. In all cases, which have been decided by the Boards of Revenue before the Jurisdiction of a Commissioner may have been declared to extend to the district in which they have arisen, and in which the parties would, but for the extension of such jurisdiction, have been entitled to appeal to the ordinary Courts of Justice, under the rules contained in Sections XXII. and XXIV. of Regulation II. 1819, and Section V. Regulation IX. 1825, an appeal shall lie to such Special Commissioner, and the cases shall be heard and determined in the same manner as appeals preferred to that authority from the decisions of Collectors under this Regulation.

In cases decided by the Board of Revenue, in which parties would have been entitled to appeal to the Courts, an appeal to lie to the Commissioner, and the cases to be heard and determined in the same manner as appeals from Collectors under this Regulation.

Sixth.

Notice of appointment of Commissioner to be communicated to Boards of Revenue or other Board exercising Revenue Control, who will, on the receipt of such communication, suspend the exercise of the powers vested in them under Regulation II. 1819, and IX. 1825, with the exception stated.

Sixth. Notice of the appointment of a Commissioner to exercise the powers specified in this Regulation in any district or other local division, shall likewise be communicated to the Boards of Revenue, or other Board exercising control over the Revenue Officers of such district or division, and on the receipt of such communication, the powers vested in the said boards, under the provisions of Regulation II. 1819. and Regulation IX. 1825, (with exception to the powers specified in Section IV. of the last mentioned Regulation,) shall be suspended, within the said district or division; and the said Board shall immediately stay all proceedings in cases thereunto belonging, which may be depending before them, under the provisions of the above Regulations, as well as in all other cases, relating to the said district or division of the nature described in the Preamble to this Regulation, and shall forthwith transmit to the Commissioner the records of all such cases.

And stay all proceedings in such cases depending before them and transmit the Records to the Commissioners.

In Suits transferred from the Courts or Boards under this Regulation, all sums which may have been deposited as Vakeel's fees, shall remain in deposit till the case is decided, and the Vakeel's fees, as well as all other costs, shall then be paid as may be awarded in the decree of the Commissioner.

Seventh. When any suit may be transferred by a Court of Justice or a Board of Revenue to a Special Commissioner under the provisions of this Regulation, the Commissioner or Commissioners by whom such suit shall be decided shall determine the amount of remuneration to be assigned to the Vakeels who may have been employed by the parties in conducting such suit before the Court or Board from which it may be transferred, and generally how any costs previously incurred shall be borne: all sums which may have been deposited in such Court or Board on account of Vakeel's fees, shall be kept in deposit until the case is decided, when the amount awarded to the Vakeels by the Commissioners shall be paid to them.

III. Whenever the jurisdiction of a Commissioner shall be declared by the orders of Government to extend to any district or other local division, it shall be competent to the Governor General in Council to invest such Commissioner with any, or all of the powers vested by the Regulations in force in the Boards of Revenue.

Whenever the jurisdiction of a Commissioner shall be declared to extend to any District or other local Division, it shall be competent to Government to invest such Commissioner with any or all the powers of the Board of Revenue.

IV. *First.* When the jurisdiction of a Commissioner shall have been established in any particular district, it shall be competent to the Collector or other local Revenue Officer of such district to institute the enquiries specified in Regulation II. 1819, and Regulation IX. 1825, in regard to any lands, which he may have reason to believe are held free of assessment, or at an inadequate jumma under an invalid tenure, or which being unoccupied he may consider to be public property, without previously applying for the sanction of the Board of Revenue. In all other respects, however, he is to proceed to the investigation of the case in the manner provided for in Regulation II. 1819, and Regulation IX. 1825, accordingly as the one or other may apply to the case, and having closed his proceedings, he shall record in a Persian Roobukaree his judgment as to the liability of the lands to assessment or otherwise, in the manner directed in Section XX. of the first-mentioned Regulation, and such decision shall have the force and effect of a decree, and a copy thereof on plain paper shall as soon as possible be delivered to the party concerned.

On the establishment of a Commissioner's jurisdiction in any particular district, the Collector or other local Officer may institute enquiries under Regulation II. 1819, and Regulation IX. 1825 without previous sanction of the Board.

In all other cases he is to proceed in the manner provided for in those Regulations.

And having closed his proceedings, he will record his judgment as to the liability of the lands to Assessment or otherwise. Such decision to have the force and effect of a decree, and copy to be furnished to the party.

Second.

If the judgment is for assessment, the party against whom the decision is passed, to be at liberty to appeal to the Special Commissioner, within two months.

Second. If the decision of the Collector shall declare the lands liable to assessment, or shall adjudge them to be the property of Government, it shall not be necessary for him to transmit his proceedings to the Board of Revenue, or to the Special Commissioner, but the party against whom such decision is passed shall be at liberty to appeal from the same to the special Commissioner within two months from the date on which a copy of the decision may have been tendered to him by the Collector: but it shall be competent to the Commissioner to admit an appeal, after the expiration of the above period, on sufficient cause being shewn why it was not sooner preferred. Provided also that petitions of appeal may, at the option of the party, be either presented to the Special Commissioner or delivered to the Collector, for transmission to that authority.

Appeals may be admitted by Commissioner after that period, on sufficient cause shewn.

Petitions of appeal may be presented to the Commissioner, or delivered to the Collector for transmission to him.

Collector empowered to carry his decision into effect, whether an appeal be filed or not, reporting his proceedings to the Board, or the Commissioner.

Third. It shall and may be lawful for the Collector, whether an appeal be filed or not, immediately to carry into effect his decision by attaching and assessing the land; reporting his proceedings for the information and orders of the Board, or of the Commissioner, if vested with the powers of the Board: provided however, that in cases appealed to the Commissioner, it shall be competent to that authority to stay execution of the Collector's decree, and to cause the attachment of the land to be suspended or withdrawn on due security being tendered by the appellant for the payment, from the date of the Collector's decision, of the Revenue which may ultimately be assessed on the land.

Commissioner may stay execution of Collector's decree in cases appealed, and suspend attachment of land, on security for payment being tendered.

Fourth.

Fourth. If the Collector shall decide against the assessment, he shall report his proceedings, together with the whole record of the case to the Board of Revenue, who are to take the case into their consideration, and if they shall be of opinion that the grounds assigned by the Collector for considering the lands exempt from assessment are insufficient or invalid, it shall be competent to the Board, within one year from the date on which they may receive the Collector's proceedings, to transfer the case for revision and final orders to the Special Commissioner, who shall issue a notice requiring the attendance of the party in whose favor the Collector may have decided; and should such party neglect, after having been duly summoned, to attend and defend the appeal before the Commissioner, it shall be competent to the Commissioner to hear and decide the case exparte.

If Collector decide against assessment, he will report his proceedings to the Board,

Who will, if dissatisfied with the grounds of the Collector's decision, transfer the case for revision and final order to the Special Commissioner within one year.

Commissioner to issue notice to the party requiring his attendance—if party neglect to attend, Commissioner empowered to hear and decide exparte.

Fifth. In all cases decided by a special Commissioner or Commissioners, whether on appeal by individuals from decision of the Collector, or on reference from the Board of Revenue under the above rule, or in cases transferred from any of the ordinary Courts of Judicature, the decision passed by the special Commissioner or Commissioners, who by warrant from the Governor General in Council and the provisions of this Regulation may be competent to pass the same, shall be final, save and except in cases which, if decided by the Court of Sudder Dewanny Adawlut, would be appealable to His Majesty the King in Council; in such cases, a similar appeal will lie from the decision of the Special Commissioner or Commissioners under the same rules and restrictions as are applicable to appeals from the decisions of the

Decisions of Special Commissioner or Commissioners, under this Regulation, shall be final.

Excepting cases which, if decided by the Sudder Dewanny Adawlut, would be appealable to His Majesty the King in Council.

In such cases an appeal will lie from the decision of the Special Commissioner or Commissioners, under the rules applicable to appeals from

decisions of the Sudder Dewanny Adawlut.

The decision of the Special Commissioner to be executed and enforced notwithstanding the institution of the appeal.

Commissioners to be competent to review any judgment passed by them, on sufficient cause shewn for a new trial.

the aforesaid Court, provided however that such decisions shall be immediately executed and enforced, notwithstanding the institution of the appeal: Provided also that it shall be competent to any Commissioner to review any judgment passed by him on sufficient cause being shewn why a new trial should be granted—the rules in the existing Regulations regarding a review of judgment being held applicable to such cases.

The judgment of a Single Commissioner concurring with the decision of the Board or other inferior tribunal, to be final, subject to the provisions of the foregoing clause.

Sixth. In all cases, in which the judgment of a single Special Commissioner shall coincide with the decision passed by a Collector or by a Board of Revenue, or by a Court of Justice, in cases which have been decided by an inferior Court, and after having been appealed to a higher, have been transferred under the provisions of this Regulation to a Special Commissioner, the decision of such single Commissioner shall be final, subject to the provisions of the foregoing Clause.

Course to be followed in the event of disagreement of opinion.

But, if on hearing any case of the nature above specified, a single Commissioner shall be of opinion that the last award made in such case ought to be reversed, or altered, he shall record his opinion to that effect, and the case shall then be laid before another Special Commissioner appointed under this Regulation, and should he disagree in opinion as to the decision of the case, to a third Commissioner, so that the final award may be made by the concurrent voices of at least two Special Commissioners. Provided that it shall be competent to the Governor General in Council on the occasion of appointing a Special Commissioner to exercise the powers specified in this Regulation within certain local limits, to determine at the same time to what other Special Commissioner

a reference shall be made by him in cases of difference of opinion.

V. It is hereby declared and enacted, that the provisions of this Regulation are not intended and shall not be construed, to extend to cases of the nature specified in the several clauses of Section XXX. Regulation II. 1819, save and except when such cases may involve the rights of Government to subject to assessment all, or any portion, of the lands, in respect to which the action may be brought. In cases of the above description, in which the Government may be a party, whether instituted in the first instance before the Collector, or referred to him by the Court, the Collector shall proceed to investigate and decide in the mode prescribed in the preceding Section of this Regulation: the several clauses of which shall be held to apply to such suits and all other cases falling within the provision of Section XXX. Regulation II. 1819, in which the Government is not itself a party, shall be heard and determined under the rules therein enacted, and the subsequent modifications of them declared in Section V. Regulation IX. 1825.

The provisions of this Regulation not to extend to cases of the nature specified in the several clauses of Section XXX. Regulation II. 1819, except when such cases involve the rights of Government to subject lands to assessment.

In cases of the above description, in which Government may be a party, the Collector to investigate and decide in the mode prescribed in the preceding Section.

All other cases falling within the provisions of Section XXX. Regulation II. 1819, in which Government is not itself a party, shall be heard and determined under the rules therein enacted, as modified by Section V. Regulation IX. 1825.

VI. *First.* The Special Commissioners appointed under this Regulation, shall be guided by such rules as may be prescribed by the Governor General in Council in regard to the forms of proceeding, the nature and number of the pleadings, the mode in which they are to be conducted, the paper, (stampt or unstampt,) to be used, the fees to be levied, and generally, the rules of practice to be followed.

Forms and nature of the proceedings of the Commissioners how to be regulated.

Second.

Commissioners may prescribe rules for the guidance of the Collectors, and may refer cases back to those officers for further trial.

Second. The Special Commissioners shall likewise be competent to issue such instructions to the Collectors of the districts over which their jurisdiction extends, in regard to their proceedings relative to cases investigated under the rules of Regulation II. 1819, and Regulation IX. 1825, as may appear requisite for their guidance and conducive to the ends of Justice, and, when it may appear necessary or proper, to refer cases back to those officers for further trial.

Processes of the Commissioner how to be enforced.

Third. All processes issued by a Commissioner shall be enforced in the same manner, and under the same penalties for disobedience or resistance, as processes of the ordinary Courts of Justice, and all the powers possessed by those Courts, in regard to contempts, the summoning and examination of Witnesses, and the administration of Oaths, shall be vested in the Commissioners, whose decision shall, in such matters, be final.

Decisions of the Commissioners how to be executed.

Fourth. The Special Commissioners shall be competent to require the Zillah Courts to carry into execution, when necessary, the decisions which they may pass, and the Zillah Courts shall give effect to such decisions in the same manner as they are required to execute the decrees passed by the Provincial Courts, or the Court of Sudder Dewanny Adawlut.

Native Officers attached to the Commissioners subject to what rules.

Fifth. The several rules and provisions contained in the existing Regulations relative to Native Officers belonging to the Zillah Courts, will be applicable to the Native Officers employed by the Special Commissioners, except in cases in which the Commissioners

Commissioners may, with the sanction of Government, otherwise determine.

Sixth. Any person knowingly giving a false deposition, whether on Oath or Hullufnameh, relative to any suit or matter depending before a Commissioner, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall, on conviction, be liable to the penalties prescribed by the Regulations for that offence. And any person causing or procuring another person to commit the offence of perjury as above described, shall be guilty of subornation of perjury, and shall be punishable, on conviction, under the provisions of the said Regulations.

Persons guilty of perjury or subornation of perjury, to be punishable under the Regulations.

Seventh. The Commissioners shall be competent to commit persons guilty of the above offences for trial before the Court of Circuit, and any Magistrate receiving from a Commissioner a Roobukaree, directing the commitment of such offenders, shall give effect to the same in like manner as if the commitment were made by himself.

And may be committed by order of the Commissioners for trial before the Court of Circuit.

VII. *First.* It shall be the duty of the Courts and of the Revenue Officers to afford the Commissioners every aid and information that they may require—to serve all processes issued and required to be served by the Commissioners in like manner as if they were issued by themselves, to prepare and transmit to the Commissioners such lists of cases decided, or pending before them as they may see occasion to call for, and to furnish all papers

Courts and Collectors to give their aid to the Commissioners.

papers and documents which the Commissioners may desire to examine.

Commissioners may require Zillah Courts and Collectors to examine witnesses and furnish information.

Second. It shall likewise be competent to the Commissioners to require the Zillah Courts or the Collectors to examine Witnesses, either on written interrogatories or otherwise, in regard to any points, the investigation of which it may appear necessary to conduct in that manner, and generally to enquire and report on particular points upon which further information is desirable, in the same manner as the said Court are required to report in pursuance of precepts issued to them by the Provincial Courts and Court of Sudder Dewanny Adawlut.

Commissioners to furnish periodical Statements and reports.

VIII. The Special Commissioners shall furnish to Government periodically such Statements and reports, as the Governor General in Council may prescribe.

Oath to be taken by Special Commissioners.

IX. The Special Commissioners appointed under this Regulation shall, before entering on the performance of their functions, take and subscribe a solemn Oath, according to the following form, and such Oath is to be administered by such person or persons as the Governor General in Council may direct.

FORM OF OATH.

I, A. B., appointed a Special Commissioner, under the rules of Regulation III. A. D. 1828, solemnly swear, that I will investigate

investigate and determine in equity and good conscience, to the best of my ability, knowledge and judgment, without fear, favor, promise or hope of reward, all matters which by the said Regulation or any other Regulation in force, I may be required to investigate and determine: that I will not receive directly or indirectly any present or Nuzzur in money or effects of any kind from any party whomsoever on account of any matter to be received, investigated or determined by me, or which may be depending or have been investigated or determined under the abovementioned Regulation, that I will not knowingly permit any person or persons under my authority to receive directly or indirectly any present or Nuzzur, in money or effects of any kind from any party or person whatsoever, on account of any matter as aforesaid,—and that I will not derive directly or indirectly any emoluments or advantages from my Office, excepting such as the orders of Government do, or may authorize me to receive.

So help me God.

X. *First.* The following rules are hereby enacted in modification and extension of the provisions contained in Sections XXII. XXIII. XXIV. Regulation II. 1819.

Sections XXII. XXIII. and XXIV. Regulation II. 1819, modified and extended.

Second. All decisions which have been, or may be passed by the Boards of Revenue, under the rules in Section XXI. Regulation II. 1819. declaring the liability to assessment of lands, whether the same be situated in districts, to which the jurisdiction of a Special Commissioner has been extended, or in any other

Decisions passed by the Boards of Revenue under Section XXI. Regulation II. 1819, to be carried into execution, notwithstanding the parties may have sued to contest the decision.

other district, shall be carried into immediate execution by the Collectors or other local Revenue Officers of such district, notwithstanding that the parties against whom such decisions may have been or may be passed, shall have sued or shall sue to contest the Board's decision in one of the established Courts of Justice, or to the Commissioner appointed under this Regulation, and such parties shall not be permitted to retain possession of the lands, unless they enter into an engagement to pay the assessment which may be fixed upon them; such assessment to be collected under the general rules for the realization of the Government revenue from farmers thereof: And if any person against whom the Board may have decided, shall decline to pay the assessment fixed on the lands, he shall be forthwith dispossessed, and such arrangements shall be made for the collection of the Government Revenue as the Collector, under the orders of the Board, may see fit to adopt: But in the event of a final decision being passed, exempting the tenure of any such person from assessment, the net collections made on account of Government shall be refunded with Interest thereon at the rate of 6 per Cent. per annum.

Persons declining to pay assessment to be dispossessed, and the Collector to make arrangements for the Collection of the Revenue.

But if the land be finally exempted, the Collections made to be refunded with interest.

Third. All suits, which may be instituted in the established Courts of Justice, under the provisions of Sections XXII. and XXIV. Regulation II. 1819, and Section V. Regulation IX. 1825, to contest decisions of the Boards of Revenue, shall, when the jurisdiction of the above Courts is not barred by the operation of this Regulation, be heard and determined in the same manner as regular appeals, and no further pleadings shall be required

Suits instituted in Courts, to contest the Board's decision in cases in which the jurisdiction of the Courts is not barred by this Regulation, how to be heard and determined.

required or received in such cases than the objections of the appellant to the decision of the Board, and the reply to those objections on the part of the Revenue authorities, the said Courts shall likewise, on the admission of an appeal, invariably call for the original record of the Board's proceedings in each case, and shall then require the parties to file their pleadings as above provided; but it shall not be competent to the Courts to take further evidence, oral or documentary, unless it shall appear that such evidence was tendered by the party adducing it, to the Collector or the Board, and was then rejected on insufficient grounds, or that such evidence is essential to the ascertainment of some fact material to the issue, which may not have been fully enquired into in the course of the previous investigation.

Fourth. Provided however, and it is hereby enacted, that nothing contained in the preceding clause shall be construed to bar the admission of a further appeal on the part of the Revenue authorities to the Provincial Courts, or the Court of Sudder Dewanny Adawlut, from decisions passed in the first instance in the Zillah or the Provincial Courts respectively, in cases of the nature described, and specially provided for in Section VI. Regulation XIV. 1825, nor the admission by those tribunals of the special appeal on the application of the party opposed to Government, under the rules in Section XXVI. Regulation II. 1819.

Proviso that appeals are still to be admitted from inferior to superior Courts, as heretofore.

Fifth. Appeals filed in the established Courts of Civil Judicature to contest decisions of the Boards of Revenue, shall be kept on a file or Register distinct from that on which other suits before

Appeals from decisions of Boards of Revenue to be kept on a distinct file or Register, and Civil Courts to appropriate one day in the week to their trial and decision.

before those Courts are entered, and the Civil Courts are hereby directed and required to appropriate the first day in each week to the trial and decision of such appeals, and to prevent any unnecessary delay on the part of the Appellant in prosecuting their appeals by a strict enforcement of the rules prescribed in Section XII. Regulation XXVI. 1814.

Further provisions for securing to the Revenue Authorities information of the transfers of land held free of assessment.

XI. *First.* There being reason to believe that the rules in Section III. Regulation LVIII. 1795, and Section XL. Regulation XXXI. 1803, whereby the Judges of the Zillah and City Courts were directed to furnish the Collectors of the districts in which the land may be situated, and the Board of Revenue, with copies of every decree passed by them in suits between individuals, or sent to them by the superior Courts to enforce, by which the right in, or possession of, any lands held exempt from the payment of public revenue, may be affected, has not generally been observed by those Courts; Section IX. Regulation VIII. 1811, and Section IX. Regulation V. 1813, having also been rescinded by Regulation II. 1819, without due provision being made for all successions to the possession of Lakheraj tenures being duly reported to the Revenue Officers, the following Rules are now enacted for that purpose.

Persons succeeding to the possession of lands held free of assessment or on Mocurruree Jumma, to report the same to the Collector.

Second. Persons succeeding to the possession of any lands held free of assessment, or held on a Mocurruree Jumma, on the decease of a former occupant, or by gift, purchase, or other assignment or transfer of proprietary right, are hereby required immediately to notify the same to the Collector or other Officer exercising

exercising the powers of Collector within the district in which the land may be situated, and any omission to notify such succession or transfer for a period of six months or more, shall subject such land to immediate attachment by the Revenue Officers. —Nor shall land so attached be restored to the party who may claim to hold it, tho' the validity of the tenure be subsequently established to the satisfaction of the Revenue authorities, until such party shall have paid to Government a fine equal to one year's rent, and if the Revenue derivable from the land be not awarded to be the right of the individual, the party shall further be required to refund the amount of the collections made by him, with interest thereon at the rate of 12 per Cent. per annum; Provided also, that the said rent and collections shall be estimated according to the assessment demandable from the Ryots at the time of attachment.

Omission to report within six months to subject the land to attachment.

Land so attached not to be restored until the payment of a fine equal to one years' jumma.

And if the land be awarded not to be the right of the individual, collections to be refunded with interest.

Third. Where the lands of any individual may be attached under the above rule, any claim which he may prefer to recover possession thereof, and to hold the same free of assessment, or on a Mokurrurec Jumma, shall be investigated and determined by the Collector, under the provisions of Regulation II. 1819 as modified by the present Regulation, and by those which have been intermediately enacted.

Claims to recover possession of lands attached as above, how to be investigated and determined.

XII. All tenures, which may not have been duly registered in the manner prescribed by the Regulations, or of which the specification contained in the Register shall not purport the same to be held under a hereditary title, or as a perpetual endowment, shall

Tenures not registered under the Regulations, or of which the specification in the register shall not purport them to be held under hereditary title, or as permanent endowment, shall be

Held liable to resumption; unless declared hereditary by a final decree of a competent authority.

shall be and be held to have been liable to resumption, unless the same may have been declared hereditary by a final decree of a competent Court of Judicature, on the demise of the persons who were in possession at the dates respectively of Regulations XIX. and XXXVII. 1793, Regulations XLI. and XLII. 1795, Regulations XXXI. and XXXVI. 1803, Regulations VIII. and XII. 1805, according as the lands may be within the districts to which those Regulations are severally applicable, or in other parts of the country at the date at which the same came into the possession of the British Government: And Collectors and other Officers exercising the powers of Collector, shall accordingly proceed to assess, and, if necessary, attach all lands liable to resumption as above, in the same manner and with the same powers as they are authorized and required to proceed in the case of a lapsed farm, any thing in the existing Regulations to the contrary notwithstanding. Provided further, that the nature and extent of the interests vested in the holders of lands and rents exempted from assessment shall, when the title deeds are forthcoming, and their authenticity recognized, be construed and defined with reference to the whole of the matter contained in such deeds, and not merely by the designation of the tenure. Jageers consequently shall not be held to be life tenures in cases in which the recital of the grant shall be such as clearly to convey a hereditary interest: nor shall any tenures, howsoever designated, be considered to be hereditary and perpetual, if the grants under which they are held shall not convey, in express terms, a hereditary or perpetual interest.

Such lands to be attached and assessed in the same manner as lapsed farms.

Nature and extent of the interests vested in the holders of Lakheraj lands how to be determined.

XIII. *First.* The uninhabited tract known by the name of the Sunderbuns has ever been, and is hereby declared still to be, the property of the State: the same not having been alienated or assigned to Zemindars or included in any way in the arrangements of the perpetual settlement,—It shall therefore be competent to the Governor General in Council to make, as heretofore, grants, assignments and leases of any part of the said Sunderbuns, and to take such measures for the clearance and cultivation of the tract as he may deem proper and expedient. All parties to whom such grants, leases or assignments shall have been made, or to whom they may hereafter be made, shall be entitled to hold or to take possession of any tract of Sunderbun Jungle so granted or assigned, without question or opposition, and all public Officers shall aid and assist the same. Provided also, that if any Zumeendar, Talookdar, or other Sudder Malgoozar, or any other person owning and occupying or collecting the rent or revenue of cultivated land in the neighbourhood of the land so granted, leased or assigned, shall sue in any Court of Adawlut, or before a Special Commissioner, under this Regulation, to contest the validity of the title or the right of possession of any such lessee or grantee, under such grant, lease or assignment, then if the land aforesaid shall be proved to be, or to have been, or be not denied to be or to have been, when so granted, leased, or assigned within the limit of the unoccupied Jungle so named and described, the suit shall be dismissed with costs. Provided however, that if any Zemindar, Talookdar, or other person aforesaid, shall claim to possess a valuable interest in any part of the Sunderbuns, by virtue of authority to collect money or other valuable thing from the

The Sunderbuns declared the property of the State, and Government competent to make grants and to take measures for its clearance.

Parties obtaining grants to take possession, and public Officers to aid and assist them.

Persons deeming themselves aggrieved by such grants, how to proceed.

Parties claiming right to derive revenue from persons engaged in gathering or collecting jungle produce in the Sunderbuns, entitled to compensation from Government on proving right.

the persons engaged in gathering wax, or cutting wood, or obtaining other Jungle products of the tract, or by virtue of any other similar privilege or advantage which may have been recognized as part of the assets, on which the assessed Revenue of his Zemindaree, Talookdaree, or other tenure was adjusted at the time of farming the perpetual settlement of the district, and the collection of which was not subsequently stopped and due compensation made, under the rules relative to the collection of Sayer Revenue, or other similar arrangement, such Zemindar, Talookdar, or proprietor, shall be entitled to receive from Government compensation for any diminution in the value of such interest and advantage consequent on the arrangements adopted for the cultivation of the Sunderbuns; the same being duly established, after an investigation conducted under the rules of Regulation II. 1819, as modified by this Regulation.

Boundaries of the Sunderbuns how to be determined.

Second. The boundary of the Sunderbun Jungle shall be laid down by accurate survey, as determined on the spot by the Commissioner of the Sunderbuns, and any Zemindar, Talookdar, or party interested, shall be entitled, on application made through the Commissioner, and on payment of the charge of preparing the same, to receive a Copy of the Survey Map, or of any part of the same, with the boundary marked there as so determined, together with a Copy of the Commissioner's proceedings on the subject. Any party deeming his right injured by the demarcation so laid down, shall be at liberty, at any time within three months from the date of the Commissioner's proceeding fixing the same, (which proceeding shall always be held

Parties injured by such demarcation how to proceed, and Commissioners and Courts how to determine such cases.

and

and published on the spot,) to contest the same by petition to a Special Commissioner under this Regulation, having local jurisdiction for the time being (or if no such jurisdiction exist, to the ordinary Courts of Justice, by which the case is cognizable,) praying further investigation; provided that no plea of objection against the line of demarcation laid down shall be heard or admitted, excepting only such as shall declare and offer proof that at the time of survey a specific quantity of land, or land with defined limits, was in the occupation of the Petitioner cleared and under cultivation, which, by the line of demarcation adopted, is placed within the Sunderbun tract belonging to Government. Every such application so made shall be regarded as a claim to hold the tract claimed free of the public assessment, and shall be investigated and decided under the rules of Regulation II. 1819, as modified by this Regulation.

A. D. 1828. REGULATION IV.

A REGULATION *to declare and extend the powers to be exercised by Collectors, when making or revising settlements, under the provisions of Regulation VII.* 1822.—*Passed by the Governor General in Council on the 7th August* 1828, *corresponding with the 24th Sawun* 1235 *Bengal Era; the 12th Sawun* 1235 *Fusly; the 25th Sawun* 1235 *Willaity; the 12th Sawun* 1885 *Sumbut; and the 25th Mohurrem* 1244 *Higeree.*

Preamble.

WHEREAS it appears to be expedient that the powers specified in Section XVI. Regulation VII. 1822, should be generally vested in Collectors and other Officers performing the duties of Collectors, when employed in making or revising settlements according to the provisions of that Law, and that the jurisdiction of the said Officers in such cases should not be barred by summary decisions passed by Magistrates or Joint Magistrates, under the rules of Regulation XV. 1824, the following

following rules have been enacted, to be in force from the date of their promulgation, throughout the Provinces subject to the Presidency of Fort William.

Collectors and other Officers engaged in making settlements of Mahals, to hear, try, and determine all claims to property and possession of the lands lying or alleged to lie within the same.

And to give possession to parties, subject to orders of the Boards of Revenue, and to revision of the Zillah and Provincial Courts in regular suit.

II. *First.* It shall be competent to all Collectors and other Officers engaged in making or revising the settlement of any Mehal, to hear, try, and determine all claims to the property and possession of the lands lying, or alleged to lie within the same, or the rent or produce or any appurtenance thereof, and to give possession to the party, who may appear to have the best title, subject to the orders and directions of the Board, to which they are respectively subordinate, and further subject to the revision of the Zillah or Provincial Court on a regular suit. And no decision passed by a Collector under this Section, shall be disturbed by any Court of Judicature, otherwise than after a full and regular investigation of the merits.

Decision of Collectors not to be disturbed by Courts of Judicature, without a full and regular investigation of merits.

Section III. Regulation XV. 1824, modified.

Second. In modification of the rule contained in Section III. Regulation XV. 1824, it is hereby declared and enacted, that summary decisions passed by Magistrates and Joint Magistrates, under the authority given to them, may be revised, altered or reversed by Collectors or other Officers, exercising the powers vested in them by this Regulation, intimation of such revision, alteration, or reversal being invariably given to the Magistrate or Joint Magistrate of the division in which the original decision was passed, and the parties in whose favor judgment may be passed by the last mentioned Officers, shall be maintained in possession, until the decision shall be altered or reversed

reversed by a superior Board or by a competent Civil Court, on the institution and determination of a regular suit.

Third. If in any case, in which a Collector or other Officer vested with the powers of Collector may have held proceedings under Regulation VII. 1822, previously to the enactment of this Regulation, it shall appear to the Board of Revenue or to Government, that Justice has been denied to any one because of his not having exercised the authority, which such Officers are, by this Regulation, empowered and required to exercise, or in consequence of his jurisdiction having been disallowed, it shall be competent to the Board and to the Governor General in Council, to direct the said Officer or any other Officer exercising similar functions, to hold supplementary proceedings, for the trial and determination of the claims of the party so appearing to be aggrieved, with the same powers as if he had originally proceeded under the present Regulation.

The Board of Revenue and Government may direct Collectors to hold supplementary proceedings, in cases in which there may be reason to think that justice has been denied from want of authority on the part of Collectors.

Fourth. To prevent doubts as to the period, for which Collectors, and other Officers aforesaid, are to possess the powers vested in them by this Regulation, and by Regulation VII. 1822, in regard to any Mehals of which the settlement may have been or may be about to be made or revised, it is hereby declared and enacted that they shall be held and considered to be engaged in making and revising such settlement from the date on which they may have issued or may issue orders for adjusting the boundaries, for measuring any of the lands, or for making a Census of the Inhabitants of any Village or portion

Period defined, during which Collectors are to be considered to be engaged in making and revising settlements.

portion of a Village belonging to such Mehal, of which intimation shall be given to the Magistrate or Joint Magistrate within whose division the Village shall be situated, up to the day on which they may be informed that the settlement, as made and revised by them, has been finally confirmed by Government. During the aforesaid period, the powers vested in Magistrates and Joint Magistrates by Regulation XV. 1824, shall be suspended in regard to all Mehals, of which the settlement may be so in progress: and the said Officers shall be guided, in respect to such Mehals, by the provisions of Clause 2. Section XXXIV. Regulation VII. 1822, by which they were required to refer to the Revenue authorities, disputes regarding lands, premises, crops, watercourses, and the like. And all Police Officers are required to give immediate and efficient support to Collectors and other Revenue Officers in the execution of their duties.

The powers vested in Magistrates and Joint Magistrates by Regulation XV. 1824, to be suspended for such period, and those Officers to be guided by the rules of Clause 2, Section XXXIV. Regulation VII. 1822.

Police Officers to give immediate and efficient aid to Collectors.

Erratum, in the tenth line of Clause Second, Section II. Regulation IV. 1828.

For "the last mentioned Officers," read "the Collectors or other Officers abovementioned."

A. D. 1828. REGULATION V.

A REGULATION *for authorizing the Zillah and City Courts to execute awards of Military Courts in certain cases. Passed by the Governor General in Council on the 28th August,* 1828, *corresponding with the* 14*th Bhadoon* 1235 *Bengal Era; the* 3*d Bhadoon* 1235 *Fusly; the* 15*th Bhadoon* 1235 *Willaity; the* 4*th Bhadoon* 1885 *Sumbut, and the* 16*th Suffer* 1244 *Higeree.*

Preamble.

WHEREAS the Rules for the execution of awards of Military Courts, acting under the Provisions of Section XXII. Regulation XX. 1810, have, in some instances, been found defective, the following Rules have been enacted to be in force from the period of their promulgation.

Judges of Zillah and City Courts to give effect to awards of Military Courts in certain cases.

II. Whenever an award of a Military Court, acting under the Provisions of Section XXII. Regulation XX. 1810, against a defendant being a Native of the description mentioned in the said Section, shall decree a sum beyond the extent of the

the property which such defendant may be found to possess within the reach of Military authority, but not exceeding Two Hundred Rupees, it shall be competent to the Judge of any Zillah or City to give effect to such award, by levying the amount, or a portion of it, from any of the defendant's property which may be pointed out within the jurisdiction of the said Zillah or City, on being furnished with a copy of the award, and a certificate from the Commanding Officer of the District, of the extent of the amount unrealized; and the Zillah or City Judge to whom such application shall be made within the period of Three Months, from the date of the award, is hereby authorized and directed to proceed to execute the same in the mode prescribed by the existing Regulations for the sale of property, in the execution of Decrees when passed by a Zillah or City Court.

A. D. 1828. REGULATION VI.

A REGULATION *to explain the intent and meaning of certain parts of Regulation II.* 1823.—*Passed by the Governor General in Council on the 4th September*, 1828, *corresponding with the 21st Bhadoon* 1235 *Bengal Era; the* 10*th Bhadoon* 1235 *Fusly; the 22d Bhadoon* 1235 *Willaity; the* 11*th Bhadoon* 1885 *Sumbut, and the 23d Suffer* 1244 *Higeree.*

Preamble.

WHEREAS the minimum of punishment in cases of affray attended with homicide, established by Regulation II. of 1823, was more particularly intended to apply to cases in which the parties might resort premeditatedly to that mode of adjusting their disputes, and was not meant to apply to affrays arising on a sudden on some altercation or dispute between the parties, nor to assaults in which the assailed might resist the assaulters in their own defence, and it being deemed expedient to define the meaning and purport of Regulation II. of 1823, more particularly, the following Rules have been passed, to be in force

force from the time of their promulgation throughout the Territories immediately depending on the Presidency of Fort William.

Minimum of punishment fixed by Regulation II. of 1823, to what cases applicable.

II. The minimum of punishment in cases of affray attended with homicide, established by Regulation II. of 1823, shall be considered to apply to such cases only, in which both parties may be found guilty of having had resort, by premeditation, to that mode of adjusting their differences, and shall not be deemed applicable to cases arising out of a sudden quarrel, in which no premeditated purpose of affray may be established, nor to assaults or other aggressions in which the assailed party may not be shewn, by their previous preparation, or in any other way, to have been ready and intent to meet their adversaries in the field of combat; nor shall it be construed to apply to cases of affray attended with homicide in which persons guarding and protecting crops, grain, or property in a legal manner, may be attacked by persons trespassing, or others, or who in legal and just defence of the property under their charge, may resist aggression in self defence; in all which cases the Circuit Judges agreeing with the Futwahs of their Law Officers, shall pass such legal sentence as may be suitable to the offence of the several parties, the same as if Regulation II. of 1823, had no existence.

A. D. 1828. REGULATION VII.

A REGULATION *for amending the provisions of Regulation XV.* 1795, *and for defining the authority of the Rajah of Benares in the Mehals therein referred to:—Passed by the Governor General in Council on the* 12*th September*, 1828, *corresponding with the* 29*th Bhadoon* 1235 *Bengal Era; the* 18*th Bhadoon* 1235 *Fusly; the* 30*th Bhadoon* 1235 *Willaity; the* 3*d Bhadoon* 1885 *Sumbut, and the* 1*st Rubee-ul-uwal* 1244 *Higeree.*

Preamble.

BY an arrangement concluded in the year 1794, with Rajah Mahipnerain Sing, the administration of Justice in the Jagirs of Bhurdoee, Kera Mungrore, and that part of Pergunnah Kuswar or Gungapore, which is the Rajah's family Zemindarry, so far as relates to matters connected with the Revenue, was separately provided for, and in conformity thereto the Courts of Justice were restricted by Regulation XV. 1795, from taking cognizance of any such causes. The management of these Mehals was committed to the Rajah, with a view to the maintenance of his honor and dignity, but it was to be conducted in concert

concert with, and under the advice of, the Collector, and with an appeal direct to the Governor General in Council; an arrangement, which was obviously intended to secure to the population the observance of the same principles of administration, and the same recognition of rights, by which the Government had engaged to adhere in its dealings with the rest of its subjects throughout the Province. Inconveniencies, however, having been experienced, from the absence of specific Rules, for the guidance of the Rajah, in the exercise of the privileges thus conferred upon him, and the system having in other respects failed to accomplish the objects intended by it, the following provisions have been enacted to be in force, throughout the whole of the Mehauls in question from the date of their promulgation.

Clause Sixth, Section XVII. Regulation II. 1795, Section VIII. Regulation V. 1795, and Regulation XV. 1795, modified.

II. Clause Sixth, Section XVII. Regulation II. 1795, Section VIII. Regulation V. 1795, and Regulation XV. 1795, are hereby declared subject to the following modifications.

The Superintendance of Bhurdooe and other Mehals, constituting the family domain of the Rajah of Benares, to be vested in such Officer as the Government may appoint.

III. The Superintendance of the Mehauls above mentioned shall be vested in such Officer as the Governor General in Council may, from time to time, by an Order in Council, appoint.

The administration of Justice in matters connected with Revenue to be conducted through the agency of the Rajah.

IV. The administration of Justice, in all matters connected with the Revenue, shall continue to be conducted through the agency of the Rajah, under the restrictions herein provided, but the reservation of this privilege shall not be understood as divesting the population of any of the rights and

Proviso.

interests

interests connected with the occupation, possession, or transfer of land, whether by sale, gift, or inheritance, or the produce of it, which immemorially belong to them, and are enjoyed by similar classes throughout the rest of the province.

A detailed settlement of the lands to be made by the Rajah, under the general rules in force.

V. *First.* No Mofussil or detailed settlement having been formed within the Mehauls in question by the authority of Government, the assessment of the land, and the settlement of the several villages comprized in them, shall be made through the channel of the Rajah, who is to be guided in all matters relative thereto by the general Rules in force within the province of Benares, applicable to such cases.

Rules for selecting the parties to be admitted to engage for the payment of the Revenue.

Second. In the selection of parties to engage, those individuals shall be considered entitled to preference, who, had a detailed settlement been extended to these Mehauls, under the Regulations of 1795, would have been recognised as Zemindars.—Such individuals shall be recorded, under the designation of Raees, and the tenures so belonging to them, shall be considered heritable and transferable, subject to the conditions in regard to the payment of the Jumma assessed upon them, and under which they may be admitted to engagements. When there may be no Raees entitled to claim admission, or where the latter may refuse to engage on just terms, the settlement shall be made for a fixed period with farmers, unless the Rajah should prefer making a Ryotwarry settlement, and collecting the public dues, through his own Officers, immediately from the Ryots.

Third. The

Rules for fixing the assessment of Mal-goozaree lands.

Third. The assessment of all lands not entitled to be considered rent free, under the Rules contained in Regulation XLI. 1795, shall be fixed with reference to their produce and capability, as ascertained at the time when the revision of the settlement may be made. But the assessment shall not be raised above the amount heretofore paid, unless it shall clearly appear that the net profits derived from the land, by those who may be entitled to share in them, would, under the usage of the province, and the rules applicable to such cases, authorize the increase demanded.

Admission to engagements not to affect the rights or interests of co-sharers or other tenants, excepting in so far as may be specially authorized.

Fourth. In admitting particular parties to engagements, such parties shall not be considered as invested with any rights over their co-sharers, or under tenants, not previously possessed by them, excepting in so far as may be authorized by the Regulations for realizing the public revenue; all questions therefore between Putteedars and sharers, inheriting or claiming to inherit joint or distinct portions of a tenure, or the produce thereof shall, notwithstanding such admission, be considered open to adjustment on the principles observed in similar cases throughout the province, and all questions regarding the right to possession of Khoodcasht and Chuppurbund Ryots, shall be adjusted on the same principles.

Points to be ascertained and recorded on the occasion of making or revising settlements.

Fifth. It shall be the duty of the Rajah, on occasion of making or revising settlements of land Revenue in any of the Mehauls referred to in Regulation XV. 1795, to unite with the adjustment of the assessment, and the investigation of the

the extent and produce of the lands, the object of ascertaining and recording all material points connected with the rights, interests and privileges of the various classes of his tenantry. His proceedings therefore shall embrace the formation of as accurate a record as possible of all persons found in possession of the soil, with a specification of the nature and extent of the interests respectively enjoyed by them. The record shall likewise specify the rates per Beegah of each description of land, or kind of produce in every distinct village. All Lakheraj tenures shall, at the same time, be carefully registered, with a detail of every particular connected therewith. The proceedings shall likewise contain the names of the Putwarries and village watchmen, with a statement of the amount and nature of the allowance assigned to each.

And Lakheraj tenures to be registered, with detail of particulars.

Sixth. In cases where two or more persons may possess a joint property in any Mehaul, or in the rent or produce thereof, or in cases where such property may be separately possessed by parties subject to common obligations, it shall be competent to the Rajah, either to make a joint settlement with the parties collectively, or with a portion of them selected to undertake the management as village Malgoozars; due regard being paid to the wishes of the co-parceners, who, until regularly separated, shall continue to hold their lands as subordinate proprietors, subject to the payment of rent, or revenue, at the rates and in the mode heretofore in use or otherwise provided for by the Regulations for the Province of Benares.

Rules for Estates held in joint property.

Seventh. When

Responsibility of parties under engagements, and of the Putteedars and sharers.

Seventh. When parties enter into engagements, who do not possess the entire proprietary right, but may be elected as managers by the co-parcenery in general, the non-engaging parceners shall not be held answerable for the default of those individuals, save and except the portion of rent or revenue demandable from them respectively. The rights and interests distinct or common of the Putteedars or sharers, shall not be prejudiced in other respects by such engagements, and all disputes between the said sharers and the engaging proprietors, shall be determined according to what shall be ascertained to be the respective rights of the parties, agreeably to the principles of justice, and the laws, customs and usages of the province.

Disputes between them how to be determined.

Proprietary rights in the land may be transferred by sale, gift, mortgage, or otherwise.

VI. *First.* All proprietors of land in the province of Benares, being privileged to transfer to whomsoever they think proper, by sale, gift, mortgage, or otherwise, their proprietary right in the whole, or any portion of their respective estates, provided that such transfers be conformable to the Hindoo or Mahomedan Laws, according to the religious persuasion of the parties, and to the Regulations in force, it is hereby declared that all such assignments within the tracts, to which this enactment refers, shall be held equally valid, subject to the conditions in regard to leases, and the allotment of Jumma, prescribed by the Regulations, provided always that the same be duly notified to the Rajah, otherwise the consequences of omitting to make such notification on similar occasions to the Collector, will, in like manner, attach to all such transfers; the rules and restrictions applicable to Collectors being also applied

The same to be duly notified to the Rajah.

to

to the Rajah subject to the orders of the Superintendent, who shall, in this behalf, possess and exercise the powers and authority of the Board of Revenue.

In cases of transfer or inheritance, the Rajah to record the mutation on application, and to proceed as the Collectors are required to do.

Second. In all cases, either of transfer or inheritance, the Rajah, on application being made for that purpose, shall proceed to record the mutation, and shall take such other steps for securing the rights and interests both of the public and of individuals, as the Collectors are required to do on similar occasions in the Benares province.

The decision of the Rajah on the foregoing provisions, subject to revision by the Superintendent, whose orders to be final, unless set aside by Government.

VII. The decision of the Rajah, or his Officers, on all points connected with the foregoing provisions, shall undergo the revision of the Superintendent, to whom the whole of the proceedings on the settlement or transfer of any Estate, shall be certified, and who, after calling for such further information as may appear necessary, shall confirm, modify or annul the same as he thinks proper; and the orders thus passed by the Superintendent shall be final, unless altered or set aside by the Governor General in Council.

Rules for realizing the public revenue.

VIII. The following rules are prescribed for the guidance of the Rajah and his Officers, in realizing the public revenue.

The Regulations in force at Benares, for realizing the public revenues, extended to tracts referred to in Regulation XV. 1795.

IX. The Regulations at present in force within the province of Benares, for enabling proprietors and farmers of land to realize their rents with punctuality, for prescribing the process by which the revenue authorities are to collect the revenue payable

payable to Government from the lands, for the imprisonment of defaulters, and for securing the ultimate recovery of arrears by a sale of the landed property from which it may be due, are hereby extended, as far as they may be applicable to the tracts referred to in Regulation XV. 1795.

The Rajah authorized to exercise the powers of a Collector as far as regards the collection of the Revenues, exclusive of the powers vested in him as Zemindar.

X. Exclusive of the powers vested in the Rajah as Zemindar, by which he may distrain and bring to sale, in the mode prescribed by the Regulations, the personal property of under Zemindars, Farmers, Ryots or other description of landholder, for arrears of rent or revenue, he is hereby moreover authorized, as far as regards the collection of the same, to exercise the powers of a Collector, as defined in the Regulations, within the tracts in question, subject to such restrictions and responsibility as may be now or hereafter imposed by this or any future enactment.

Sale of lands for arrears of Revenue, or under Decrees of Courts, to be held in the presence of the Rajah or his Deputy, and the Rules of Regulation XI. 1822, to be observed in such cases.

XI. Whenever it may be necessary to resort to the sale of lands for the recovery of arrears of Revenue, or whenever a sale of lands may be required in satisfaction of the Decrees of the Courts of Judicature, the sale shall be held in the presence of the Rajah, or his Deputy, either in the public Kutcherry, or such other open or convenient place within the Pergunnah to which the lands belong, as may be specified in the advertisement, and the course of proceeding directed in regard to sales by Regulation XI. 1822, shall be considered applicable, and the validity of such sales held contingent on the fulfilment of the several conditions therein specified.

XII. The

XII. The whole of the powers, which are exercised by the Boards of Revenue over the Collectors in regard to sales of land, as well as in all matters relative to the collection of public revenue, are hereby vested in the Superintendent, and the Rājah shall consider himself in the exercise of the privileges with which he is intrusted, as standing in the same relation towards that Officer, as the Collectors at present stand towards the Board.

The powers exercised by the Boards of Revenue, in regard to sales of land and collection of Revenue vested in the Superintendent, and the Rajah to stand in the same relation towards that Officer, as Collectors are towards the Boards.

XIII. From the orders of the Superintendent, in all such cases, there shall be no appeal but to the Governor General in Council, and the Civil Courts are not competent to take cognizance of any complaint, from any party soever, contesting the validity of a sale, or claiming rights or interests connected with land, or the rents thereof, within the tracts in question.

From the orders of the Superintendent, an appeal to lie to Government. Civil Courts prohibited from taking cognizance of complaints relating to lands.

XIV. All complaints of a breach of the Rules herein prescribed, for the guidance of the Rajah and his Officers, in the exercise of the powers thereby entrusted to them, or of unnecessary severity in the execution of them, are declared cognizable by the Superintendent, who shall cause substantial justice to be rendered to the parties in the same manner as would have been done under the Regulations, had such complaints been cognizable by the regular Courts, provided only that when the offence alleged would authorize a criminal prosecution, the complaint shall be referred to the Magistrate, who will proceed to the

Complaints against the Rajah and his Officers, for breach of these rules, to lie to the Superintendent.

If offence alleged, be of a criminal nature, the complaint to be referred to the Magistrate.

the decision thereof under the Regulations in the same manner as if it had been originally preferred to him.

Certain offences to enforce payment of arrears of rent strictly prohibited, and to subject the offender to prosecution before the Criminal Court.

XV. Torture, personal violence, and every description of corporal punishment to enforce the payment of arrears of rent or revenue, within the tract in question, are hereby strictly prohibited; and any one offending against this prohibition, shall, on the complaint of a person so punished, be liable to prosecution before the Criminal Courts, and shall be dealt with, on conviction, as the Regulations require in such cases.

A Native Commissioner to be maintained by the Rajah in each Pergunnah to take cognizance of Revenue causes.

XVI. In order to secure for the inhabitants of these Mehauls, the administration of Civil Justice on the principles in force throughout the rest of the province; a Native Commissioner shall be maintained by the Rajah in each of the Pergunnahs referred to in Regulation XV. 1795, for the purpose of taking cognizance, in the first instance, of the Revenue causes hereafter specified.

The nomination of the individuals will be made by the Rajah, but the confirmation to rest with the Superintendent.

XVII. The nomination of individuals to the Office of Native Commissioner will be made by the Rajah, but previous to such appointments taking effect, he shall communicate what information he may have obtained regarding the age, character, and past employment of the individuals in question to the Superintendent, who shall withhold his concurrence in cases of notorious bad character or incapacity, having regard, however, as far as possible, in the mode of doing so, to the Rajah's honor and dignity.

XVIII. No

XVIII. No Native Commissioner appointed under this Regulation shall be removed from office without sufficient cause, and in all cases of removal, the Rajah shall act in concert with, and by the advice of, the Superintendent.

The Native Commissioner not to be removed from office, and the Rajah to act in cases of removal in concert with and by the advice of the Superintendent.

XIX. The Native Commissioners shall be liable to a criminal prosecution for corruption, extortion, or other gross misdemeanor, and on conviction before the Court of Circuit, shall be subject to fine and imprisonment, proportionate to the nature and circumstances of the case.

The Native Commissioners liable to Criminal prosecution for certain offences, and to fine and imprisonment on conviction.

XX. Persons invested with the powers of a Native Commissioner, under this Regulation, are authorized to receive, try, and determine, all suits preferred to them, against any inhabitant of their respective jurisdictions, relative to land of every description, or the rent, revenue, or produce thereof situated therein, provided the cause of action shall have arisen within the period of twelve years previously to the institution of suits.

Powers and authority of a Native Commissioner.

XXI. In receiving, trying and determining such cases, the Native Commissioners shall be guided by the Rules contained in Regulation XXIII. 1814, and in points not expressly provided for in that Regulation, they shall observe as nearly as may be practicable the Rules prescribed for the guidance of the Zillah and City Courts, in the trial and decision of Civil suits.

Rules for the guidance of the Native Commissioner.

XXII. The Rule, which prohibits Native Judicial Officers from taking cognizance of cases, in which a British Subject, or an

Exception.

an European foreigner, or an American, may be a party, shall not be held applicable to the Native Commissioners, appointed under this Regulation.

Native Commissioners to execute their decisions, subject, in cases of appeal, to instructions of the Superintendent.

XXIII. The decision of the Native Commissioners shall be executed by themselves, under the Rules prescribed in the general Regulations for the execution of decrees, provided however that, if the case be appealed, the Commissioner shall be guided by such instructions relative thereto, as he may receive from the Superintendent.

The proceedings of the Native Commissioners subject to revision by Superintendent, in cases appealed within six months.

XXIV. The proceedings of the Native Commissioners shall be subject to the revision of the Superintendent, who, in the event of an appeal being preferred to him within the period of six months from the date of any such decision, will call for the papers, and after directing such further investigation to be held, as he may judge necessary, will confirm, modify or annul the order or decision of the Native Commissioner, as may appear proper; provided always, that it shall be competent to the Governor General in Council to supersede the order of the Superintendent, on being referred to by either party for that purpose.

Government empowered to supersede the order of the Superintendent, if referred to.

Penalties for resistance of process declared applicable to cases under this Regulation.

XXV. The penalties prescribed by the Regulations for resistance of process in Revenue or Judicial matters, are hereby declared applicable to all cases of the same nature, arising out of the process provided for by this enactment.

XXVI. It

XXVI. It is hereby further declared and enacted, that, except when otherwise directed by the foregoing provisions, the Revenue and Judicial administration of the Mehauls herein referred to, shall be regulated by the principles and spirit of the existing Regulations, and where those may not be applicable, by equity and good conscience.

The Revenue and Judicial administration of the Mehauls herein referred to, to be regulated according to the Regulations, except when otherwise directed by this Regulation.

A. D. 1828. REGULATION VIII.

A REGULATION *for enlarging the Powers of the Magistrates, with regard to the offence of Affrays:—Passed by the Governor General in Council on the* 16*th October,* 1828, *corresponding with the* 1*st Cautick* 1235 *Bengal Era; the* 23*d Assin* 1236 *Fusly; the* 2*d Cautick* 1236 *Willaity; the* 8*th Assin* 1885 *Sumbut, and the* 6*th Rubee-us-sanee* 1244 *Higeree.*

Preamble.

WHEREAS with a view to the more effectual prevention of Affrays, it has been deemed expedient to enlarge the Powers given to the Magistrates in punishing that offence, the following Rules are enacted by the Governor General in Council, to be in force from the date of their promulgation within the Territories immediately subject to the Presidency of Fort William.

II. Regulation I. of 1822, is hereby amended.

Regulation I. 1822 amended.

III. In

Extension of Magistrates' Powers of punishment.

III. In the cases to which Regulation I. 1822, relates, viz. Affrays unattended with homicide, severe wounding, or other aggravating circumstances, the Magistrates shall be competent to punish the offender by imprisonment with or without labour and Irons, for a period not exceeding One Year, and a fine not exceeding Rupees Two Hundred, to be commuted if not paid, to a further period of imprisonment not exceeding One Year, so that the whole period of imprisonment shall in no case exceed Two Years.

BENGAL SECRETARIAT LIBRARY

A. D. 1828. REGULATION IX.

A REGULATION *for amending the rules in force in regard to Special or Second Appeals, instituted in formâ pauperis:—Passed by the Governor General in Council on the 27th November,* 1828, *corresponding with the* 13*th Aughun* 1235 *Bengal Era; the* 6*th Aughun* 1236 *Fusly; the* 14*th Aughun* 1236 *Willaity; the* 6*th Aughun* 1885 *Sumbut; and the* 18*th Jummadee-ul-uwal* 1244 *Higeree.*

Preamble.

WHEREAS there is reason to believe that the rule contained in Section V. Regulation II. 1825, in consequence of its not having a retrospective effect, has operated to prevent in some instances the admission of Special Appeals from persons suing in formâ pauperis, the Governor General in Council has enacted the following rules, to be in force from the date of their promulgation throughout the Provinces immediately subject to this Presidency.

II. The

The rule contained in Section V. Regulation II. 1825, declared applicable to Second or Special Appeals, which may have been instituted in formâ pauperis, but rejected between the date of the promulgation of Regulation XXVIII. 1814, and of Regulation II. 1825.

II. The Rule contained in Section V. Regulation II. 1825, is hereby declared applicable to any Second or Special Appeals which may have been instituted in formâ pauperis, but which may have been rejected, between the date of the promulgation of Regulation XXVIII. 1814, and of Regulation II. 1825, on the sole ground that Paupers were not entitled under Regulation XXVIII. 1814, to institute a Second or Special Appeal in formâ pauperis.

The several Courts of Justice empowered to enquire into and decide such Second or Special Appeals if preferred within one year from the date of the present Regulation.

III. The several Courts of Justice are hereby empowered and required, on application being made by the parties interested, provided such application be made within one year from the date of the promulgation of this Regulation, to enquire into and decide any Second or Special Appeals of the above description which may have been rejected exclusively on the ground stated in the foregoing Section, any thing in the existing Regulations to the contrary notwithstanding.

TITLES

OF THE

REGULATIONS,

PASSED IN THE YEAR

1829.

REGULATION I.

A REGULATION *for constituting Commissioners of Revenue and Circuit, for establishing a Sudder Board of Revenue, for modifying the constitution of the Provincial Courts, for transferring to the said Commissioners the functions now exercised by the Superintendents of Police and those of the Mofussil Special Commissioners, acting under the Provisions of Regulation I.* 1821, *and otherwise for providing for the better administration of Civil and Criminal Justice.—Passed by the Governor General in Council on the* 1*st January,* 1829.

REGULATION II.

REGULATION II.

A REGULATION *for rescinding Section VI. Regulation XV.* 1824, *and for declaring all orders passed by Magistrates under that Regulation, open to appeal to the Commissioners of Circuit.—Passed by the Vice President in Council on the* 10*th March,* 1829.

REGULATION III.

A REGULATION *for abolishing certain official designations amongst the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, and of the Provincial Courts—for amending the Rules at present in force which require the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, or other Public Officers, to take the prescribed Oaths of Office, before the Governor General in Council—for providing for the decision of Civil Suits and Appeals in the Provincial Courts, in certain cases—for amending Regulation VIII.* 1825, *and for discontinuing the Offices of Hindoo and Mahomedan Law Officer, in the Provincial Courts.—Passed by the Governor General in Council on the* 28*th April,* 1829.

REGULATION IV.

A REGULATION *for modifying in certain cases, the Rules laid down in Clauses Fourth and Fifth, Section II. Regulation III.* 1828, *relative to Appeals to the Special Commissioners appointed under that Regulation; also for modifying part of Clause Second, Section X. Regulation I.* 1829.—*Passed by the Governor General in Council on the* 5*th May,* 1829.

REGULATION V.

REGULATION V.

A REGULATION *for rescinding part of Regulation X.* 1817, *and parts of Regulation XXI.* 1825.—*Passed by the Governor General in Council on the* 12*th May*, 1829.

REGULATION VI.

A REGULATION *for extending the powers of the Magistrates and Joint Magistrates, in certain cases of Theft.—Passed by the Governor General in Council on the* 9*th June*, 1829.

REGULATION VII.

A REGULATION *for rescinding such parts of the existing Regulations as prescribed Forms for periodical Reports, Calendars, Registers or other Statements, to be furnished by the Civil or Criminal Authorities, and require the same to be forwarded at periods specified, and declaratory of the power to prescribe the Forms of such Statements, vested in the Courts of Sudder Dewanny and Nizamut Adawlut, by Regulation X. of* 1796, *Section III. and Regulation XX. of* 1803, *Section III.—Passed by the Governor General in Council on the* 9*th June*, 1829.

REGULATION VIII.

A REGULATION *for amending Regulation V. of* 1809, *and Regulation I. of* 1822.—*Passed by the Governor General in Council on the* 9*th June*, 1829.

REGULATION IX.

REGULATION IX.

A REGULATION *for rescinding some of the Rules of Regulation XXXI.* 1793, *and the corresponding Rules for Benares and the Ceded Provinces, and for placing the Commercial Agents of the East India Company, on the same footing towards Natives of the Country as other persons.—Passed by the Governor General in Council on the 9th June,* 1829.

REGULATION X.

A REGULATION *for consolidating into one Regulation with modifications the existing Enactments relating to the Collection of Stamp Duties.—Passed by the Governor General in Council on the* 16*th June,* 1829.

REGULATION XI.

A REGULATION *for modifying the Rules in force relative to the construction and repair of Embankments.—Passed by the Governor General in Council on the 7th July,* 1829.

REGULATION XII.

A REGULATION *for modifying the Provisions of Regulation XII. of* 1825.—*Passed by the Governor General in Council on the 7th July,* 1829.

REGULATION XIII.

A REGULATION *for abolishing the Office of Superintendent and*

and Remembrancer of Legal Affairs.—Passed by the Governor General in Council on the 14*th July*, 1829.

REGULATION XIV.

A REGULATION *for extending the Rules contained in Section VII. Regulation IX.* 1819, *to the cases of persons resident within a Foreign Territory.—Passed by the Governor General in Council on the* 1*st September*, 1829.

REGULATION XV.

A REGULATION *for altering the mode of Valuing Goods Imported by Sea with a view to the Assessment of Custom Duties thereon.—Passed by the Governor General in Council on the* 15*th September*, 1829.

REGULATION XVI.

A REGULATION *for increasing the Rates of Duty on Western Salts imported into, or in transit through the Ceded and Conquered Provinces, for levying a further Duty on those Salts on their entering the Province of Benares, and for remitting the Town Duty leviable under the existing Regulations on Western Salts imported for consumption into the City of Benares, or Towns of Mirzapore and Ghazeepore.—Passed by the Governor General in Council on the* 24*th November*, 1829.

REGULATION XVII.

A REGULATION *for declaring the practice of Suttee, or of burning*

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REGULATION XVIII.

A REGULATION *to rescind Section III. Regulation IV.* 1829, *and to make further modifications in the Provisions of Regulation I.* 1821, *and Regulation I.* 1829.—*Passed by the Governor General in Council on the 8th December*, 1829.

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A. D. 1829. REGULATION I.

A REGULATION *for constituting Commissioners of Revenue and Circuit, for establishing a Sudder Board of Revenue, for modifying the constitution of the Provincial Courts, for transferring to the said Commissioners the functions now exercised by the Superintendents of Police and those of the Mofussil Special Commissioners, acting under the provisions of Regulation I.* 1821, *and otherwise for providing for the better administration of Civil and Criminal Justice:* — PASSED *by the Governor-General in Council on the* 1*st January* 1829, *corresponding with the* 19*th Poose* 1235 *Bengal era; the* 11*th Poose* 1236 *Fusly; the* 20*th Poose* 1236 *Willaity; the* 11*th Poose* 1885 *Sumbut, and the* 24*th Jummadee-us-Sanee* 1244 *Higeree.*

PREAMBLE. THE system in operation for Superintending the Magistracy, and the Police, and for controlling and directing the executive Revenue

Revenue Officers, who in several cases are also Magistrates, has been found to be defective. The Provincial Courts of Appeal and Circuit as now constituted, partly from the extent of country placed under their authority, and partly from their having to discharge the duties of both Civil and Criminal tribunals, have, in many cases, failed to afford that prompt administration of justice which it is the duty of Government to secure for the people. The Goal deliveries have been, in some instances, delayed beyond the term prescribed by law, especially in the division of Bareilly, which comprises thirteen Stations, at which Jail deliveries have to be held, besides the Joint Magistracies of Belah and Sirpoorah; and a great arrear of cases under Appeal has accrued in all the Courts to the manifest injury of many individuals, and to the encouragement of litigation and crime. The Judges of Circuit when employed singly in the districts under their authority, do not possess sufficient powers, nor have they the opportunity of acquiring sufficient local knowledge to enable them adequately to control the Police or protect the people. The great extent of country under each of the Boards of Revenue has similarly operated to impede them in the execution of the duties which belong to them as tribunals, for the determination of all questions relative to the assessment of Lands under settlement, and for the judicial decision of many other important cases, as the general guardians of the Fiscal interests of the state, as directors and Superintendents over the Executive Officers, and as the confidential advisers of Government. For the correction of the above defects, it has appeared to be expedient and necessary to place the Magistracy and Police,

Police, and the Collectors and other Executive Revenue Officers, under the Superintendence and Control of Commissioners of Revenue and Circuit, each vested with the charge of such a moderate tract of country as may enable them to be easy of access to the people, and frequently to visit the different parts of their respective jurisdictions; to confide to the said Commissioners the powers now vested in the Courts of Circuit, together with those that belong to the Boards of Revenue, to be exercised, with the modifications hereinafter provided, the former under the authority of the Nizamut Adawlut, and the latter under the instructions and control of a Sudder or Chief Board of Revenue, and altogether to disjoin the functions of the Courts of Circuit from those of the Judges of Appeal. It has, at the same time, appeared to be necessary, with a view to the more speedy and effectual redress of the wrongs which the people have suffered in several of the districts of the Western Provinces, under the circumstances detailed in the preamble of Regulation I. 1821, to transfer to the said Commissioners of Revenue and Circuit, the powers and authority now exercised by the Mofussil Special Commissioners acting under the Provisions of that Law, with certain modifications hereinafter specified. It has likewise been deemed expedient to extend the system of Administration, which has been for some years followed in Cuttack, to the adjoining district of Midnapore, and to certain other districts in the vicinity of tracts of which the affairs are conducted, on similar principles: and further, with a view to public economy, it has been deemed proper to abolish the Office of Superintendent of Police, the necessity for which is superseded

by

by the Appointment of Commissioners. With the above views and purposes, the Governor General in Council has enacted the following Rules, to be in force from the 1st March, 1829, throughout the provinces immediately subject to the Presidency of Fort William.

Commissioners of Revenue and Circuit to be appointed for certain Divisions specified.

Governor General in Council competent to extend or reduce the limits of Divisions.

And to increase or diminish the number of Commissioners.

Notice of such arrangement to be given by proclamation.

II. A Commissioner of Revenue and Circuit shall be appointed for each of the undermentioned Divisions: provided, however, that it shall be competent to the Governor General in Council, by an Order in Council, to transfer any district or districts from one Division to another: and to increase or reduce the number of Commissioners, if such a measure shall appear to be necessary or expedient: due notice of any such arrangement being given by public proclamation.

1st. Division to contain the districts under the Magistrates, Collectors, Joint Magistrates and Sub-Collectors of ..... Seharunpore, Mozuffernuggur, Meerut, and Boolundshuhur.

2d. Ditto ..... Ditto of ..... Agra, Allighur, and Sydabad.

3d. Ditto ..... Ditto of ..... Furruckabad, Mynpooree, Sirpoora, and Etawah.

4th.

4th. Ditto ..... Ditto of .....Moradabad,
Nugcena, and
Suhswan.

5th. Ditto ..... Ditto of .....Bareilly,
Shahjehanpore, and
Pillibheet.

6th. Ditto ..... Ditto of .....Cawnpore,
Belah, and
N. Bundlecund.

7th. Ditto ..... Ditto of .....Allahabad,
Futtehpore, and
Banda.

8th. Ditto ..... Ditto of .....Benares,
Mirzapoor, and
Juanpore.

9th. Ditto ..... Ditto of .....Goruckpore,
Azimghur, and
Ghazeepore.

10th. Ditto ..... Ditto of .....Sarun,
Shahabad, and
Tirhoot.

11th. Ditto ..... Ditto of .....Patna,
Behar, and
Ramghur.

12th. Ditto ..... Ditto of .....Boglepore,
Monghyr,
Malda, and
Purnea.

13th

13th. Ditto ..... Ditto of .....Dinagepore,
Rungpore,
Rajshahy, and
Bugoorah.

14th. Ditto ... .. Ditto of .....Moorshedabad,
Beerbhoom, and
Nuddea.

15th. Ditto ..... Ditto of .....Dacca,
Dacca Jelalpore,
Tipperah, and
Mymunsing.

16th. Ditto ..... Ditto of ... { Chittagong, and Noacolly. } To be placed under the Officer appointed to control the affairs of Arracan.

17th. Ditto ..... Ditto of ... { Sherpore, and Sylhet. ... } To be placed under the Commissioner of Assam and the N. E. parts of Rungpore.

18th. Ditto ..... Ditto of .....Bakergunge,
Jessore,
Suburbs of Calcutta,
24-Pergunnahs and Barasut.

19th. Ditto ..... Ditto of .....Cuttack,
Khoorda,
Balasore,
Midnapore and Nugwan, including Hidgellee.

20th

20th. Ditto ..... Ditto of .....Burdwan,
Jungle Mehauls, and
Hooghly.

Mod by Act VII of 1835 & Mod by Act XXIV. 1837 Sec IV.

III. *First.* The said Commissioners shall possess and exercise each within the Cities and Districts comprized in the Division placed under his authority, all the powers that may be now legally exercised by Judges of Circuit when holding the Sessions of Goal delivery, or by the Courts of Circuit collectively.

Commissioners to possess within the limits of their respective Divisions, the full powers of Judges of Circuit when holding the Sessions, and of the Courts of Circuit collectively.

Second. The said Commissioners shall hold Sessions of Goal delivery for the several districts within their respective divisions at such periods as may, from time to time, be fixed under orders of Government: due notice of the time and order fixed for the same shall be published, by proclamation, within the several districts and the Thannahs thereunto appertaining: and not less than two Goal deliveries shall be held in each year for each of the said districts. Provided also, that it shall be competent to the said Commissioners, whenever the ends of justice may require the measure, or they may be instructed by the Nizamut Adawlut to do so, to hold a general Goal delivery for any of the Cities and districts under their authority, or to proceed to the trial of any commitment or commitments made by the Magistrate or Joint Magistrate of any such City or district, at any time previous to the period ordinarily fixed for the Session.

Periods of holding the Sessions in each District of each Division to be determined by Government.

Due notice of the time and order of holding the Sessions to be given by proclamation,

Two Goal deliveries at least to be held in the year in each district.

Proviso: Commissioners competent, when they find it necessary, or may be so directed by the Court of Nizamut Adawlut, to hold a general Goal delivery or to try any commitment previous to the period fixed for the Sessions.

Third. The Goal deliveries shall ordinarily be held at the station of the Magistrate or Joint Magistrate, making the Commitments;

Goal deliveries to be ordinarily held at the Station of the Officer making the Commitment.

But Governor General and Nizamut Adawlut with the sanction of Government, may authorize Commitments made by Joint-Magistrates to be tried at the Sudder Station of any of the Districts in which the Thannahs constituting the Joint Magistracy are situated.

mitments: but it shall be competent to the Governor General in Council, and to the Nizamut Adawlut, with the authority of Government, to direct the Sessions for any district which is under the authority of a Joint Magistrate, to be held at the Sudder Station of any of the Zillahs in which the Thannahs, constituting the jurisdiction of such Officer, or any of them may be situated: Provided that such station shall be within the division of the Commissioner to whom the Joint Magistrate is subordinate.

Proviso: that such district be within the Division of the Commissioner to whom the Joint Magistrate is subordinate.

Commissioners about to hold Sessions, may require the attendance of any Mahomedan Law Officer within their Division.

Fourth. The Commissioners, when about to hold a Goal delivery, or to try any Commitment, as above provided, shall and may require the attendance of any of the Mahomedan Law Officers of the Zillah or City Courts within their division, or when at the Station of a Provincial Court, of any of the Law Officers attached to such Court: and the Law Officer so required to attend, shall perform the duties that now belong to the Law Officers of the Courts of Circuit.

And, when at the Station of a Provincial Court, of any Law Officer attached to such Court.

Law Officers required as above, to attend to perform all duties now belonging to Law Officers of Courts of Circuit.

Commissioners, until otherwise provided by Law, to possess within the limits of their respective divisions all the powers and authority now vested in the Boards of Revenue and the Courts of Wards, subject to the direction and Control of the Sudder Board at the Presidency, and such restrictions as Government, or the Sudder Board, with the sanction of Government, may prescribe.

IV. *First.* The said Commissioners shall, until otherwise specifically provided for by Law, possess and exercise within the several districts, comprized in their respective divisions, the powers and authority now vested in the Boards of Revenue and Courts of Wards, subject to the control and direction of a Sudder or Head Board, to be Ordinarily stationed at the Presidency, unless otherwise directed by the Governor General in Council; and to such restrictions and provisions, as the Governor General in Council or the said Sudder Board, with his authority or sanction, may prescribe.

Second.

Second. In regard to the form of their proceedings, in the Revenue Department, the Commissioners and the Sudder Board shall be guided by such orders as the Governor General in Council may, from time to time, issue, and it shall be competent to the Governor General in Council to fix the Stations at which the Board and the Commissioners, when not employed on the duties of Circuit, shall reside, at such places within the territories belonging to this Presidency, as may, from time to time, be deemed expedient.

The Sudder Board and the Commissioners to be guided in regard to the form of their proceedings, in the Revenue Department, by such orders as may, from time to time, be issued by the Governor General in Council.

Governor General in Council competent to fix the Stations at which the Sudder Board and the Commissioners, when not employed on Circuit duties, shall reside, but such station to be within the territories subject to this Presidency.

Third. Provided also, that in cases in which any tract of country that belongs to the jurisdiction of a Magistrate or Joint Magistrate of one division, may be under the authority of a Collector, or Deputy Collector, attached to another division, the Governor General in Council shall determine, by an Order in Council, the nature and extent of the powers to be exercised in regard to the Revenue affairs of such tract by the Commissioners respectively, with whose divisions it may be so jointly connected.

When the tract comprising the jurisdiction of a Magistrate, or Joint Magistrate of one division, may be under a Collector, or Deputy Collector attached to another division, the Governor General in Council may determine the nature and extent of the Revenue powers, to be exercised respectively by the two Commissioners thus jointly concerned.

V. *First.* The powers and authority now belonging to the Judges of the Provincial Courts of Appeal, for the divisions of Calcutta, Dacca, Moorshedabad, Patna, Benares, and Barelly, in their capacity of Judges of Circuit, shall cease: and Regulation XVII. 1825, and all other Regulations, which define the local jurisdictions of the several Courts of Circuit, or which fix the time and order in which the several Goal deliveries are to be held, together with all provisions that prescribe, or can be construed

Powers and authority of Judges of Provincial Courts of Appeal in the Calcutta, Dacca, Moorshedabad, Patna, Benares, and Barelly divisions, in their capacity of Judges of Circuit to cease.

Regulation XVII. 1825, and all other Regulations defining local jurisdictions of Courts of Circuit, fixing the time and order of Goal deliveries, rescinded.

All Regulations conferring on Judges of Courts of Appeal the

powers of Courts of Circuit, or which require the attendance and Futwa of the Law Officers of those Courts in trials held by the Courts of Circuit, except as above provided for, rescinded.

All Regulations inconsistent with the transfer to the Commissioners of the powers exercised by the Courts of Circuit, rescinded.

construed to prescribe, that the powers and authority of the Courts of Circuit shall be attached to the said Courts of Appeal, or which require the attendance and Futwa of the Law Officers of the said Courts, upon any trial or trials to be held before the Courts of Circuit, otherwise than as above provided for, or which may not be consistent with the transfer to the Commissioners of Revenue and Circuit, to be appointed under this Regulation, of all the powers and authority heretofore belonging to the Courts of Circuit, are hereby rescinded.

Judges of Circuit, actually on Circuit when this Regulation is promulgated, to complete the Circuit duty, under the Regulations heretofore in force.

Second. Provided, however, that the foregoing provisions shall not operate to prevent the Judges of Circuit, who may be holding the Sessions of Goal delivery of any of the Zillahs, or Cities above specified, at the time when this Regulation may be promulgated in the district, from completing that duty under the Regulations heretofore in force.

Proviso: Governor General in Council may direct any Commissioner, Judge of Appeal, or other Judge, not being the Committing Officer, to hold the Sessions of any City or Zillah without such Officer being vested with the general powers of a Commissioner.

Provided further, that it shall be, at all times, competent to the Governor General in Council to direct any Commissioner, Judge of Appeal, or other Judge, not being the Magistrate by whom the Commitments were made, to hold the Sessions of Goal delivery for any City or Zillah with the powers and authority of a Court of Circuit, without vesting him with the general powers of a Commissioner within the division whenever the arrangement may appear to be necessary for the prompt and efficient administration of Justice, and circumstances may render it inconvenient to appoint such Officer to officiate with all the powers of the Commissioner of the division.

VI. Such of the provisions of the existing Regulations for defining the duties and powers of the Revenue Boards and Courts of Wards, or of single Members thereof, as may be inconsistent with the arrangement above prescribed, are, and shall be considered to be annulled.

All Provisions in the Regulations defining duties and powers of Revenue Boards and Courts of Wards, or of single Members thereof, which are inconsistent with arrangements now prescribed, rescinded.

Rescinded by act XXIV of 1837

VII. The Offices of Superintendents of Police in the Lower and Western Provinces are hereby abolished, and the provisions of Regulation X. 1808, and other Regulations subsequently enacted in regard to the said Offices are hereby rescinded: Provided, however, that the Commissioners of Revenue and Circuit shall and may, for their respective divisions, perform all the duties and exercise the powers heretofore belonging to the Superintendents of Police, save and except those vested in them by Regulation X. 1824, in regard to the pardon of persons charged with or suspected of Criminal offences previously to the trial of the case at Sessions. The several Magistrates and Joint Magistrates are authorized to tender a pardon in the several cases specified in the said Regulation, without reference to any other authority: subject to the other Provisions therein contained, and under their general responsibility to the Superior Courts and Government, for the sound exercise of the discretion vested in them.

Offices of Superintendents of Police abolished.

Regulation X. 1808, and other subsequent Regulations relative to the above Office, rescinded.

Proviso: Commissioners of Revenue and Circuit to perform, for their respective divisions, all duties heretofore discharged by the Superintendents of Police.

But not to exercise the powers given in Regulation X. 1824, in regard to tender of Pardon to accomplices.

Such powers to be exercised by the Magistrates and Joint Magistrates, subject to certain restrictions.

VIII. The Commissioner for the division of Cuttack and Midnapore shall possess and exercise, throughout the districts under his authority, the same powers as belong to him in the first mentioned province. But so much of Clause 5, Section V. Regulation

Powers and authority vested in the Commissioner in Cuttack, extended to the district of Midnapore.

Proviso.

Clause 5, Section V Regulation V. 1818 amended — Commissioner for the Cuttack Division, in his capacity of Judge of Appeal, declared subject like all other Judges of Provincial Courts, to the Court of Sudder Dewanny Adawlut.

Regulation V. 1818, as provides, that the decisions passed by the Commissioner in Original Civil Suits, or in Appeals cognizable by him, shall, with the exception therein stated, be final, is hereby rescinded: And the Commissioner shall, accordingly, in his capacity of a Judge of Appeal, be subject to the Sudder Dewanny Adawlut, in like manner as other Provincial Judges.

Further Proviso. Commissioner, in his Revenue capacity, to be subject to the Sudder Board of Revenue.

Provided also, that in the Revenue Department, the Commissioner shall be subject to the Sudder Board, in like manner as the Commissioners of other divisions.

Commissioners of Arracan and Assam to possess within the Bengal portions of their Divisions, the same powers as are vested in the Commissioner of Cuttack.

IX. *First.* The Commissioners of Arracan and Assam, shall possess and exercise within the districts of Bengal, which are by this Regulation attached to their respective divisions, the same powers as belong to the Commissioner of Cuttack, modified as above.

Commissioner in the Northern Division of the Doab to possess the same powers.

Second. The like powers shall belong to the Commissioner for the districts of the Northern Doab, Seharunpore, Muzuffurnuggur, Meerut and Boolundshuhur; provided also that in regard to those districts, the Resident at Dehli shall possess and exercise the powers now vested in the Courts of Sudder Dewanny and Nizamut Adawlut, together with those which are in other parts of the country to be exercised by the Sudder Board, and so much of the existing Regulations as vest the said Courts with Civil and Criminal jurisdiction within the said districts, is hereby rescinded. Provided however, that the Nizamut Adawlut shall complete the trial of all criminal cases referred to them prior to the date on which this Regulation takes effect,

Proviso: The Resident at Dehli to possess in respect to that Division, the powers now vested in the Courts of Sudder Dewanny Adawlut, and Nizamut Adawlut, as well as the powers of the Sudder Board of Revenue.

All provisions of existing Regulations to the contrary, declared to be rescinded.

effect, and that the Courts of Sudder Dewanny Adawlut shall and may, excepting in cases in which the appellant may pray to have his case transferred to the Resident's Court at Dehly, proceed to the decision of all cases now actually before them in appeal, or which may be appealed to them before the date fixed for the operation of this Regulation, and to do and order all things necessary to the investigation and decision of the cases, or to the execution of their decrees and judgments, in like manner as they might do and order in the other districts of the Ceded and Conquered Provinces.

Proviso: The Court of Nizamut Adawlut to complete all trials referred prior to the enforcement of this Regulation, and the Court of Sudder Dewanny Adawlut to decide all appeals now before them, (except the appellant prays to have his case transferred to Dehli,) and to issue all orders necessary to the complete execution of their decisions.

X. *First.* The office of Mofussil Special Commission, acting under the Provisions of Regulation I. 1821, is hereby abolished. The powers vested in them shall be possessed and exercised by the Commissioners of Revenue and Circuit, to be appointed under this Regulation, within their several divisions, and all cases now pending before the Mofussil Special Commission, shall be transferred to the Commissioner of the division to which the property in litigation may belong. The powers and authority of the Sudder Special Commission shall, with exception to cases actually depending before them at the date of the operation of this Regulation, be vested in the Sudder Board. They shall not receive any appeals after the 1st March 1829, and the Commission shall altogether cease and determine whenever the cases now in appeal, or which may be appealed before the above date, shall have been decided. But, in regard to such cases, the Commissioners of Revenue and Circuit, to whose divisions they respectively belong, shall give effect

Office of Mofussil Special Commission abolished, and the powers vested therein to be vested in the Commissioners within the limits of their respective divisions.

Cases now pending to be transferred to the Commissioner of the Division to which they belong.

Powers of Sudder Special Commission to be vested, with certain exceptions, in the Sudder Board, and no new appeals to be received by that Court after the 1st March, 1829.

The Commission to cease and determine so soon as the appeals now pending and such as may be filed before the above date.

In regard to such cases, Commissioners of Revenue and Circuit to give effect to orders of the Sudder Special Commission.

effect to all orders of the Sudder Special Commission in like manner as the Mofussil Commissioners would have done.

Limitation, in regard to cognizance of actions under Regulation I. 1821, and I. 1823, rescinded.

Second. Provided also, that so much of Regulation I. 1821, and Regulation I. 1823, as restricts the jurisdiction of the Special Commissioners acting under the provisions of the first-mentioned Regulation, to cases in which the sale or other act complained of occurred previously to the year 1217 Fuslee, is hereby rescinded, and that it shall and may be lawful for the Commissioners of Revenue and Circuit, in the Ceded and Conquered Provinces, to take cognizance within their respective jurisdictions of all claims of the nature of those cognizable by the Special Commissioners acting under the provisions of Regulation I. of 1821, of which the cause of action may have arisen at any time previously to the 1st March, 1829, and to try and determine the same, subject to an Appeal to the Sudder Board, or to the Resident of Dehli as the case may be, with the same powers and authority as are vested in the said Commissioners. All cases now pending before the Courts of Justice, of which the cognizance has, by this Regulation, been vested in the Commissioners of Revenue and Circuit, shall be transferred to the Commissioner of the division to which the property in litigation may belong.

rescinded by Act of 1835 as far as it affects future claims.

Commissioners empowered to take cognizance within their respective divisions of claims declared cognizable by Regulation I. 1821, the cause of action in which may have arisen before the 1st March, 1829.

Appeal to lie to the Sudder Board or Resident at Dehli as the case may be.

All cases of the above nature now pending before the Courts of Justice to be transferred to the Commissioners.

Commissioners may require Collectors and Deputy Collectors to report to them on such claims.

Third. Provided further, that it shall and may be lawful for the Commissioners of Revenue and Circuit, to require the Collectors or Deputy Collectors under their authority, to investigate and report upon the several claims preferred to them,

or

or which may be transferred to them as above: and that, excepting in cases appealable to the King in Council, a Special Appeal only shall lie from their decisions; that is to say, the Sudder Board shall not be bound to admit any such Appeal, unless they shall, on the face of the decree passed by the Commissioner, considered along with the petition of the Appellant, and the Roobukaree or report of the Collector, see reason to think that justice has been denied to the party, or that the public interests have not been sufficiently attended to.

And except in cases open to Appeal to the King in Council, a Special Appeal only shall lie from the decisions of the Commissioners to the Sudder Board.

A. D. 1829. REGULATION II.

A REGULATION *for rescinding Section VI. Regulation XV.* 1824, *and for declaring all Orders passed by Magistrates and Joint Magistrates under that Regulation open to Appeal to the Commissioners of Circuit.—Passed by the Vice President in Council on the* 10*th March*, 1829, *corresponding with the* 28*th Phagoon* 1235 *Bengal Era; the* 20*th Phagoon* 1236 *Fusly; the* 29*th Phagoon* 1236 *Willaity; the* 5*th Phagoon* 1885 *Sumbut, and the* 3*d Rumzan* 1244 *Higeree.*

Preamble.

WHEREAS the provisions of Section VI. Regulation XV. 1824, which declare that no Appeal against the Judgments passed by the Zillah or City Magistrates, or Joint Magistrates, under that Regulation, shall be admissible, unless the grounds of Appeal be the irrelevancy of the Regulation to the case appealed, have been found to be objectionable, the following rules have been enacted to be in force from the date of their promulgation throughout the Provinces subject to the Presidency of Fort William.

II. Section

Section VI. Regulation XV. 1824, rescinded.

II. Section VI. Regulation XV. 1824, is hereby rescinded.

Commissioners of Circuit appointed under Regulation I. 1829, shall be competent to receive an Appeal from any order or decision passed by a Zillah or City Magistrate, or Joint Magistrate, in pursuance of the provisions of Regulation XV. 1824.

III. It shall be competent to the Commissioners of Circuit appointed under Regulation I. 1829, to receive an Appeal from any order or decision passed from and after the promulgation of this Regulation, by a Zillah or City Magistrate, or Joint Magistrate, in pursuance of the provisions of Regulation XV. 1824, provided such Appeal be preferred to the Commissioner of the Division to which the Zillah or City, or Jurisdiction of the Joint Magistrate may be attached, within One Month of the date of the said order or decision.

The Commissioner of Circuit how to proceed when such Appeals may be preferred.

IV. The Commissioner of Circuit after receiving the Appeal and calling for the proceedings in the case, is hereby empowered to confirm, alter, or revise the order or decision passed by the Zillah or City Magistrate, or Joint Magistrate, under the Regulation above referred to; and to call for any further information, or direct any further inquiry to be made, and to pass such orders regarding the payment of the Costs of the Appeal as he may think just and proper, and it is hereby declared, that the orders of the Commissioner of Circuit passed in conformity to this Regulation shall, as far as regards the Criminal Court, be final and conclusive, and shall not be open to revision by the Court of Nizamut Adawlut, any thing in the existing Regulations to the contrary notwithstanding.

Repealed by Act IV of 1840.

A. D. 1829. REGULATION II.

A REGULATION *for rescinding Section VI. Regulation XV.* 1824, *and for declaring all Orders passed by Magistrates and Joint Magistrates under that Regulation open to Appeal to the Commissioners of Circuit.—Passed by the Vice President in Council on the* 10*th March*, 1829, *corresponding with the* 28*th Phagoon* 1235 *Bengal Era; the* 20*th Phagoon* 1236 *Fusly; the* 29*th Phagoon* 1236 *Willaity; the* 5*th Phagoon* 1885 *Sumbut, and the* 3*d Rumzan* 1244 *Higeree.*

Preamble.

WHEREAS the provisions of Section VI. Regulation XV. 1824, which declare that no Appeal against the Judgments passed by the Zillah or City Magistrates, or Joint Magistrates, under that Regulation, shall be admissible, unless the grounds of Appeal be the irrelevancy of the Regulation to the case appealed, have been found to be objectionable, the following rules have been enacted to be in force from the date of their promulgation throughout the Provinces subject to the Presidency of Fort William.

II. Section

Section VI. Regulation XV. 1824, rescinded.

II. Section VI. Regulation XV. 1824, is hereby rescinded.

Commissioners of Circuit appointed under Regulation I. 1829, shall be competent to receive an Appeal from any order or decision passed by a Zillah or City Magistrate, or Joint Magistrate, in pursuance of the provisions of Regulation XV. 1824.

III. It shall be competent to the Commissioners of Circuit appointed under Regulation I. 1829, to receive an Appeal from any order or decision passed from and after the promulgation of this Regulation, by a Zillah or City Magistrate, or Joint Magistrate, in pursuance of the provisions of Regulation XV. 1824, provided such Appeal be preferred to the Commissioner of the Division to which the Zillah or City, or Jurisdiction of the Joint Magistrate may be attached, within One Month of the date of the said order or decision.

The Commissioner of Circuit how to proceed when such Appeals may be preferred.

IV. The Commissioner of Circuit after receiving the Appeal and calling for the proceedings in the case, is hereby empowered to confirm, alter, or revise the order or decision passed by the Zillah or City Magistrate, or Joint Magistrate, under the Regulation above referred to; and to call for any further information, or direct any further inquiry to be made, and to pass such orders regarding the payment of the Costs of the Appeal as he may think just and proper, and it is hereby declared, that the orders of the Commissioner of Circuit passed in conformity to this Regulation shall, as far as regards the Criminal Court, be final and conclusive, and shall not be open to revision by the Court of Nizamut Adawlut, any thing in the existing Regulations to the contrary notwithstanding.

A. D. 1829. REGULATION III.

A REGULATION *for abolishing certain official designations amongst the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, and of the Provincial Courts—for amending the Rules at present in force, which require the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, or other Public Officers, to take the prescribed Oaths of Office, before the Governor General in Council—for providing for the decision of Civil Suits, and Appeals in the Provincial Courts, in certain Cases—for amending Regulation VIII.* 1825, *and for discontinuing the Offices of Hindoo and Mahomedan Law Officer, in the Provincial Courts, —Passed by the Governor General in Council on the* 28*th April*, 1829, *corresponding with the* 17*th Bysack* 1236 *Bengal Era; the* 9*th Bysack* 1236 *Fusly; the* 18*th Bysack* 1236 *Willaity; the* 10*th Bysack* 1886 *Sumbut, and the* 23*d Suwal* 1244 *Higeree.*

WHEREAS

Preamble.

WHEREAS the distinctive denomination prescribed by the Regulations of Chief or Senior Judge, in the Courts of Sudder Dewanny and Nizamut Adawlut, and in the Provincial Courts, as well as the official designation of Second, Third, Fourth and Fifth Judges of those Courts, respectively, has, in some instances, been productive of inconvenience; and whereas it is expedient to rescind and amend the Rules at present in force, which require the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, or any other Public Officers to take the prescribed Oaths of Office, before the Governor General in Council; and whereas under the present constitution of the Provincial Courts, it is expedient to provide for the determination of any Suits, or questions before a Provincial Court, consisting of two Judges, regarding which there may be a difference of opinion between the said Judges; and whereas with reference to Sections VIII. and IX. Regulation I. 1829, it is necessary to make special provision for the Trial of Appeals depending in the Calcutta Provincial Court, from decisions passed in the Civil Court of Midnapore, including Nugwan and Hidgellee; and likewise for the Trial of appeals depending in the Dacca Provincial Court, from decisons passed in the Civil Courts of Sylhet, Chittagong and Noacolly, as well as for the Trial of any Civil Suits, which may have originated in those Districts respectively, and have been filed, in the first instance, in the said Provincial Courts—and whereas it is expedient to amend the Rules enacted in Section XII. Regulation XXV. and Clause first, Section II. Regulation VIII. 1825, whereby the

the Collectors and all Judicial Officers are prohibited from employing any persons, excepting Public and Registered Officers, in the discharge of any part of their Public Duty; and whereas it appears unnecessary to continue the Offices of Hindoo and Mahomedan Law Officer, in the Provincial Courts, the Governor General in Council has been pleased to pass the following Rules, to be in force from the period of their promulgation throughout the Provinces immediately subject to the Presidency of Fort William.

The denomination of Chief or Senior Judge in the Courts of Sudder Dewanny and Nizamut Adawlut, and in the Provincial Courts, discontinued.

II. The denomination of Chief or Senior Judge in the Courts of Sudder Dewanny and Nizamut Adawlut, and in the Provincial Courts, as well as the Official designation of First, Second, Third, Fourth and Fifth Judges in those Courts, respectively, shall be discontinued.

The Rules requiring the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut to take the Oaths of Office before the Governor General in Council, rescinded—The Judges or other Public Officers shall in future be sworn in before the Court of Nizamut Adawlut, or before any person who may be commissioned to administer them.

III. The Rules contained in Sections IV. and XI. Regulation II. 1801, which require the Judges who may be appointed to the Courts of Sudder Dewanny and Nizamut Adawlut to take the prescribed Oaths of Office before the Governor General in Council, are hereby rescinded, and the said Judges, as well as all other Public Officers who are required by the Regulations in force to be sworn in before the Governor General in Council, shall, in future, take and subscribe the prescribed Oaths of Office before the Court of Nizamut Adawlut, or before any person whom the Governor General in Council may commission to administer them.

IV. *First.*

The Rules which give a casting voice to the Senior Judge of a Provincial Court are hereby rescinded.

IV. *First.* Such parts of the existing Regulations as, under any circumstances, give a casting voice to the Senior Judge of a Provincial Court, are hereby rescinded.

On a difference of opinion between the Judges of a Provincial Court consisting of two Judges, case how to be disposed of.

Second. As differences of opinion may occasionally be expected to arise between the Judges of a Provincial Court consisting of two Judges, or when two Judges only may be present in regard to the decision of a Civil Suit or Appeal, or to the disposal of any business of a general or miscellaneous nature, the Governor General in Council is hereby authorized to issue such instructions as may appear expedient in regard to the selection and nomination of the public Officer or Officers to whom such cases shall be referred from the several Provincial Courts: due notice of such nomination being given in each instance to the Court of Sudder Dewanny Adawlut, and to the Provincial Court.

If the Officer so nominated shall reside at the station of the Provincial Court, or at any other Station, how he is to act.

Third. If the Officer so nominated shall reside at the station of the Provincial Court, he shall exercise the same powers, and proceed in the same manner in the cases brought before him as the other Judges, but if he shall reside at any other station than that of the Provincial Court, it shall be sufficient that he form and record his judgment on a careful perusal and consideration of the proceedings, and without requiring the attendance of the parties or their Vakeels.

Nothing contained in the present Regulation shall be construed to alter or affect

Fourth. Nothing in this Regulation shall be construed to alter or affect the general duties to be performed, and the powers

to

to be exercised, by single Judges of the Provincial Courts under the Rules prescribed in Regulation XIII. 1810, and Regulation XXV. 1814, or in any other Regulation in force.

the general duties to be performed, and the powers to be exercised by single Judges of the Provincial Courts.

V. *First.* Although the powers and functions heretofore exercised by the Provincial Court, for the Division of Calcutta, in the District of Midnapore, including Nugwan and Hidgellee, have by Regulation I. 1829, been transferred to the Commissioner for the Division of Cuttack, the Calcutta Provincial Court is, nevertheless, hereby empowered and directed (excepting in cases in which the appellant or plaintiff may pray to have his case transferred to the said Commissioner) to proceed to the decision of all Suits which may have arisen in the District of Midnapore, and have been originally instituted in, or appealed to, the said Provincial Court before the 1st of March, 1829; and it shall be competent to the Judges of the said Court, to do and order all things necessary to the investigation and decision of such Suits, and to the execution of the Decrees and Judgments passed therein, in like manner as they might have done previously to the promulgation of Regulation I. 1829.

In what cases the Calcutta Provincial Court are empowered to try Suits which may have arisen in the District of Midnapore, including Nugwan and Hidgellee, previously to the 1st March, 1829.

Second. The Districts of Chittagong and Noacally having likewise been placed under the Commissioner of Arracan, and the District of Sylhet, under the Commissioner of Assam, the Dacca Provincial Court is, in like manner, and with the exception above specified, authorized and directed to proceed to the decision of all original Suits and Appeals, which may have arisen

The Dacca Provincial Court is, in like manner, with the foregoing exception, authorized to try Suits, which may have arisen in the Districts of Chittagong, Noacally and Sylhet, before the 1st March, 1829.

arisen in those Districts respectively, and may be depending in that Court on the aforesaid date.

Parts of Regulation XXV. 1803, and Regulation VIII. 1825, not to extend to the employment of Individuals not being Public Officers, in the copying of Papers and Proceedings.

VI. Such parts of Section XII. Regulation XXV. 1803, and of Clause first, Section II. Regulation VIII. 1825, as have been construed to prohibit Collectors and all Judicial Officers from employing any persons not being Public Officers, duly appointed or nominated, in conformity with the Rules in force, relative to such appointments in the discharge of any part of their Public Duties, are hereby declared not to extend to the employment of Individuals in the copying of Papers and Proceedings, or in similar functions, for the due execution of which the proper Officers must be held responsible. The Rules however, contained in the Clause last mentioned, and in Regulations II. 1793, and V. 1795, prohibiting Collectors and Judicial Officers from so employing directly, or indirectly, their private Servants of whatsoever description, shall remain in full force.

The Rules prohibiting Collectors and Judicial Officers from employing their private Servants, shall remain in full force.

The Offices of Hindoo and Mahomedan Law Officer, in the Provincial Courts, abolished. The Judges competent to refer any questions to be expounded to other Courts.

VII. The Offices of Hindoo and Mahomedan Law Officer, in the Provincial Courts, are hereby abolished; and it shall be competent to the Judges of the Provincial Courts, to refer any question of Hindoo or Mahomedan Law, which may come before them to be expounded by the Law Officers of the nearest Zillah or City Court, or by the Law Officers of the Sudder Dewanny Adawlut.

A. D. 1829. REGULATION IV.

A REGULATION *for modifying in certain cases, the Rules laid down in Clauses Fourth and Fifth, Section II. Regulation III.* 1828, *relative to Appeals to the Special Commissioners appointed under that Regulation; also for modifying part of Clause Second, Section X, Regulation I,* 1829.—*Passed by the Governor General in Council on the 5th May* 1829, *corresponding with the 24th Bysack* 1236 *Bengal Era; the 16th Bysack* 1236 *Fusly; the 25th Bysack* 1236 *Willaity; the 2d Bysack* 1886 *Sumbut; and the 1st Zekaad* 1244 *Higeree.*

Preamble.

WHEREAS it is necessary to make Provision for the Trial of Appeals, which by Clause Fifth, Section II, Regulation III, 1828, are declared to lie to the Special Commissioner appointed under that Regulation, but in which the order or judgment appealed against may have been passed in the first instance by the said Commissioner; and it being desirable to modify the Rule in Clause Second, Section X, Regulation I, 1829, which declares that all cases then pending before the Courts of Justice, of which the cognizance has, by that Regulation, been vested in the Commissioner of Revenue and Circuit, shall be transferred to the Commissioner of the Division,

to

to which the Property in litigation may belong; the following Rules have been enacted to be in force from the date of their promulgation, throughout the Provinces immediately subordinate to the Presidency of Fort William.

Whenever the act or judgment appealed against, may have been done or passed by a Special Commissioner, appointed under Regulation III. 1828, such case shall not be cognizable by the said Commissioner.

II. *First.* In modification of the Rules contained in Clauses Fourth and Fifth, Section II, Regulation III, 1828, it is hereby enacted, that whenever the act or judgment appealed against, may have been done or passed by a Special Commissioner, appointed under the Regulation above cited, such case shall not be cognizable by the said Commissioner whether he may have been at the time when such act or judgment was done or passed by him, exercising the powers of a Collector or Member of a Board of Revenue, a Judge of a Zillah or City Court, or of a Provincial Court.

Whenever a Petition of Appeal in a case of the above nature may be preferred to a Special Commissioner, a Report of the circumstances of the Case to be made to Government for Orders.

Government competent to direct some other Tribunal to receive and decide the Appeal.

Second. Whenever a Petition of Appeal in a case of the above nature may be preferred to a Special Commissioner, he is hereby directed and required to report the circumstances of the case for the Orders of Government, and it shall be competent to the Governor General in Council to direct some other Special Commissioner, or such other Tribunal as he may deem proper, to receive and decide the appeal agreeably to the Rules and Regulations applicable to the case.

The Rule contained in Clause Second, Section X, Regulation I, 1829, not to extend to the Court of Sudder Dewanny Adawlut.

III. The Rule contained in Clause Second, Section X, Regulation I, 1829, which requires that all cases then pending before the Courts of Justice, of which the cognizance has, by

that

that Regulation, been vested in the Commissioners of Revenue and Circuit, shall be transferred to the Commissioner of the Division to which the Property in litigation may belong, shall not be considered to extend to the Court of Sudder 'Dewanny Adawlut, which Court shall try and decide such cases in the same manner as they would have been tried and decided before the passing of that Regulation, any thing therein to the contrary notwithstanding.

A. D. 1829. REGULATION V.

A REGULATION *for rescinding part of Regulation X*, 1817, *and parts of Regulation XXI*, 1825, —*Passed by the Governor General in Council on the* 12*th of May* 1829, *corresponding with the* 31*st Bysack* 1236 *Bengal Era; the* 23*d Bysack* 1236 *Fusly; the* 1*st Jeyte* 1236 *Willaity; the* 9*th Bysack* 1886 *Sumbut; and the* 8*th Zekaad* 1244 *Higeree.*

Preamble.

WHEREAS local circumstances have rendered it necessary and expedient that the tract of Country denominated the Dehra Doon should be separated from the Jurisdiction of the Commissioner for the Province of Kumaon, and that the Rules prescribed by Regulation X, 1817, for the trial of persons charged with the commission of heinous offences in the Dehra Doon, or in Jounsar, Bawur, Poondur, and Sundokh, and other small tracts of Country situated between the rivers Jumna and Sutledge, should be rescinded, the Governor General in Council has been pleased to enact the following Regulation to be in force from the date of its Promulgation.

Parts of Regulation XXI, 1825, as declare Dehra Doon annexed to the jurisdiction of the Commissioner of Kumaon, and the provisions of Regulation X, 1817, as are consi-

II. Such parts of Regulation XXI, 1825, as declare the Dehra Doon to be annexed to the Jurisdiction of the Commissioner for the Province of Kumaon, and that the provisions of Regulation

dered applicable to Dehra Doon, rescinded.

Regulation X, 1817, shall be considered applicable to that tract of Country, are hereby rescinded.

Parts of Regulation X, 1817, as provide for the appointment of a special Commissioner for the trial of persons for heinous offences in the Dehra Doon, and the reserved tracts of territory between the Jumna and Sutledge, and as require that certain trials be referred to the Court of Nizamut Adawlut, rescinded.

III. *First.* Such parts of Regulation X, 1817, as provide for the appointment by the Governor General in Council, of a special Commissioner for the trial of persons charged with the commission of heinous offences in the Dehra Doon, or in the several reserved tracts of territory situated between the Jumna and Sutledge, and require that in certain cases the trial shall be referred for the final sentence of the Court of Nizamut Adawlut, are hereby rescinded.

Criminal Justice how to be administered in future in the Dehra Doon, and in the reserved tracts between the Jumna and Sutledge.

Second. The administration of Criminal Justice in the Dehra Doon, and in the reserved tracts between the Jumna and Sutledge abovementioned, shall hereafter be conducted under such rules and instructions as the Governor General in Council may please to issue for the guidance of the Officers to whom it may be entrusted.

BENGAL SECRETARIAT LIBRARY

A. D. 1829. REGULATION VI.

A REGULATION *for extending the powers of the Magistrates and Joint Magistrates, in certain cases of Theft.—Passed by the Governor General in Council on the 9th of June* 1829, *corresponding with the 28th Jeyte* 1236 *Bengal Era; the 22d Jeyte* 1236 *Fusly; the 29th Jeyte* 1236 *Willaity; the 8th Jeyte* 1886 *Sumbut, and the 6th Zehijja* 1244 *Higeree.*

Preamble.

WHEREAS by the existing Regulations, the Magistrates and Joint Magistrates are not empowered to sentence Prisoners convicted of two or more petty thefts, not coming within the provisions of Clause 4, Section XI. Regulation XII. of 1818, to a more severe punishment than that which is authorized by Section XIX. Regulation IX. of 1807, and the commitment for trial before the Courts of Circuit of persons deemed guilty of two or more offences of that nature occasioning serious inconvenience to the Prosecutors and Witnesses, and occupying much of the time of those Courts, the following Rules have been enacted to be in force from the date of their promulgation

A. D. 1829. REGULATION VII.

A REGULATION *for rescinding such parts of the existing Regulations as prescribe forms for periodical Reports, Calendars, Registers or other Statements to be furnished by the Civil or Criminal Authorities, and require the same to be forwarded at periods specified, and declaratory of the power to prescribe the forms of such Statements vested in the Courts of Sudder Dewanny and Nizamut Adawlut, by Regulation X. of* 1796, *Section III. and Regulation XX. of* 1803, *Section III.—Passed by the Governor General in Council on the 9th June* 1829, *corresponding with the 28th Jeyte* 1236, *Bengal Era; the 22d Jeyte* 1236, *Fusly; the 29th Jeyte* 1236, *Willaity; the 8th Jeyte* 1886, *Sumbut; and the 6th Zehijja* 1244, *Higeree.*

Preamble.

WHEREAS it has been deemed advisable more clearly to declare the power vested in the Courts of Sudder Dewanny and Nizamut Adawlut by Regulation X. of 1796, Section III. and

and Regulation XX. of 1803, Section III. to prescribe forms for periodical Reports, Calendars, Registers, or other Statements to be furnished by the several Courts of Dewanny Adawlut, by the Courts of Circuit, Magistrates and other Civil and Criminal Officers; and whereas it is deemed expedient to rescind those provisions of the existing Regulations, which, by prescribing the said forms, appear to intrench upon this power; the following Rules have accordingly been enacted to be in force from the date of their promulgation throughout the Territories immediately subordinate to the Presidency of Fort William.

Sections of Regulations prescribing forms for periodical Statements, &c. rescinded.

II. Sections XIII. XXVIII. and XXX. Regulation IX. Sections XI. XII. XIII. XV. XVI. XVII. and XVIII. Regulation XVIII. Sections XV. XVI. XVII. and XVIII. Regulation XL. of 1793, Regulation XXXVII. of 1795, Sections XIII. XXVII. XXIX. and XXX. Regulation VI. Sections X. XI. XIII. XIV. and XVI. Regulation XIII. Sections XIII. XIV. XV. and XVI. Regulation XVI. of 1803, Section XLIII. Regulation XXIII. of 1814. Section XVI. Clauses 2 and 5, and Section XXIV. of Regulation XXII. of 1816, and Section XXXI. Clause 3, Regulation XX. of 1817, and so much of Section XXI. Regulation XXI. of 1793, and Section IX. Regulation III. of 1812, and Section XVIII. Regulation XXIII. Section III. Regulation XXVII. of 1814, Section XIV. Clause 2, Regulation XIX. of 1816; and Section X. Clause 4, Section XVI. Clause 10, Section XIX. Clause 16, Section XXIII. Clause 2, Regulation XX. of 1817, as prescribe forms for Reports, Calendars, Registers, or other Statements, and such other parts of existing

existing Regulations as prescribe forms for Reports, Calendars, Registers, or other Statements to be furnished by the Civil or Criminal authorities, or require the same to be forwarded at periods, and in manner specified, are hereby rescinded.

III. *First.* The Courts of Sudder Dewanny and Nizamut Adawlut shall, from time to time, as circumstances require, prescribe the forms, and fix the periods of transmission, and mode of preparation of all Reports, Calendars, Registers, or other Statements, to be furnished by the Civil or Criminal Courts, European or Native, or by the Judicial or Police Officers under this Presidency.

Their forms and periods of transmission to be fixed by the Sudder Dewanny and Nizamut Adawlut.

Second. Nothing in this Regulation shall be construed to supersede the necessity of the preparation and transmission as heretofore of the prescribed Reports and Statements, until the Court of Sudder Dewanny or Nizamut Adawlut may specially prescribe any alteration in, or direct the discontinuance of, any particular Report or Statement.

The preparation and transmission of the reports, heretofore prescribed, not to be superseded by the present Regulation, until it shall be otherwise ordered by the Sudder Dewanny or Nizamut Adawlut.

A. D. 1829. REGULATION VIII.

A REGULATION *for amending Regulation, V. of* 1809, *and Regulation I. of* 1822.—*Passed by the Governor General in Council on the 9th June* 1829, *corresponding with the 28th Jeyte* 1236, *Bengal Era; the 22d Jeyte* 1236, *Fusly; the 29th Jeyte* 1236, *Willaity; the 8th Jeyte* 1886 *Sumbut; and the 6th Zehijja* 1244, *Higeree.*

Preamble.

WHEREAS the Rules contained in Regulation V. of 1809, and in Section VI. of Regulation I. of 1822, for bringing to trial Native subjects of the British Government charged with offences committed in places out of the limits of the British Provinces, have been held not to be applicable to Native British subjects so charged who may have been apprehended beyond the British Frontier, and it being expedient that those Rules should be applicable to British subjects so charged wheresoever they may have been apprehended, the Governor General in Council has been pleased to enact as follows:

II. The

Regulation V. of 1809. and Section VI. of Regulation I. 1822, applicable to Native British subjects charged with offences committed out of the British Provinces, wheresoever they may have been apprehended.

II. The Rules contained in Regulation V. of 1809, and in Section VI. of Regulation I. of 1822, are hereby declared to be applicable to Native subjects of the British Government, charged with criminal offences committed in places out of the limits of the British Provinces, who shall be delivered into the custody of a Magistrate in any of those Provinces, wheresoever such British subjects may have been apprehended.

Application for sanction of Governor General in Council to bring a Prisoner to trial under Regulation V. 1809, or Section VI. Regulation I. 1822, what to contain.

III. In every case in which an application shall be made by a Magistrate for the sanction of the Governor General in Council to bring a Prisoner to trial under Regulation V. of 1809, or Section VI. of Regulation I. of 1822, such application shall contain full information regarding the offence charged against the Prisoner; the place where, and manner in which he may have been apprehended, and the person by whom he may have been delivered into the custody of the Magistrate.

A. D. 1829. REGULATION IX.

A REGULATION *for Rescinding some of the Rules of Regulation XXXI.* 1793, *and the corresponding Rules for Benares and the Ceded Provinces, and for placing the Commercial Agents of the East India Company on the same footing towards Natives of the Country as other persons.—Passed by the Governor General in Council on the 9th June* 1829, *corresponding with the 28th Jeyte* 1236, *Bengal Era; the 22d Jeyte* 1236, *Fusly; the 29th Jeyte* 1236, *Willaity; the 8th Jeyte* 1886, *Sumbut, and the 6th Zehijja* 1244, *Higeree.*

Preamble.

REGULATION XXXI. 1793, and the corresponding enactments for Benares and the Ceded and Conquered Provinces were passed for the purpose of prescribing rules for the conduct of the Commercial Residents in their dealings with Native Weavers and others employed in the provision of the Investment of the East India Company: those rules were then required no less as a safeguard against abuse of power by the Commercial

Commercial Residents and Agents for the Company, than for the protection of the Commercial Officers against fraud and embezzlement, and for ensuring the execution of the contracts entered into by these Officers. At the present day the same reasons do not exist for prescribing by Special Regulation the course to be observed in respect to Contracts entered into for the provision of Articles of the Honorable Company's Investment: it has accordingly been deemed expedient, in order to remove the appearance of favor and preference in the Legislature which the existence of a special enactment of the kind is calculated to excite, to rescind the provisions of the existing Regulations giving such a preference, and to leave the Commercial Residents, and other Agents of the Company, to follow the same process of law in the enforcement of Contracts and in their other dealings with the Natives of the Country as individual Traders. The following Rules have accordingly been passed to be in force within the Territories subject to the Presidency of Fort William from the date of the promulgation of this Regulation.

Section II. to XVIII. of Regulation XXXI. 1793, and the corresponding rules for Benares and the Ceded Provinces rescinded.

II. Sections II. to XVIII. inclusive, of Regulation XXXI. 1793, with the explanatory Rules of Sections III. and IV. Regulation IX. 1801, extended to Benares by Section II. Regulation IV. 1805, also the corresponding Sections of Regulation XXXVII. 1803, for the Ceded Provinces, are hereby rescinded.

Commercial Residents to be subject to Jurisdiction of Courts Civil and Criminal as

III. *First.* Commercial Residents and other Officers providing Articles for the Investment of the Honorable East India

India Company, or otherwise employed in purchasing or procuring goods for purposes of Trade, shall sue and be sued, and be subject to the process and jurisdiction of the Civil or Criminal Courts of the Country, in the same manner as the Agents and factors of any other Merchants, saving always the privileges and immunities they may enjoy as British subjects; and subject to the rules and restrictions contained in the general Regulations respecting suits conducted or defended on account of the Honorable Company, or otherwise in their public capacity.

other persons being British subjects.

Proviso for public suits.

Second. Native workmen and other persons, weavers, silk winders, &c., in the employ of Commercial Residents, also persons under engagement to deliver Articles to the Commercial Officers of the Honorable Company, shall be, and are hereby declared to be, subject to the same process Civil and Criminal of the Courts and Public Officers of the Country as other Natives living within the Jurisdiction of the said Courts and Public Officers respectively, and no distinction shall be made in the form and manner of serving the process on them.

Workmen, Contractors, and others to be served with Process of Civil or Criminal Courts as other persons.

IV. In modification of the rule contained in Section III. Regulation II. 1814, it is hereby prescribed and provided, that when a Petition of Plaint against a Commercial Resident or other Commercial Officer amenable to the Jurisdiction of the Court, shall be lodged in any Court of Civil Judicature, notice of the same shall be sent in the manner prescribed by Section XIX. Regulation XXXI. 1793, to the said Officer, and a copy of the same shall be forwarded to the Board of Trade, who shall inform

Plaint against Commercial Residents for official acts, when filed, copy to be sent to Board of Trade,

Who will inform the Court within six weeks whether it is to be defended as a Public suit.

inform the Court within six weeks from the date of their receipt of the Petition, whether the suit shall be defended as a Government action, or at the risk and cost of the Officer sued.

Failing intimation of its being public, to be treated as a private action.

If no intimation be received by the Court within the period stated, due allowance being made for the period occupied in the conveyance of letters to and fro by the Public Dawk, the case shall proceed, and be carried to Judgment as a Personal Action against the Commercial Resident or other Officer sued.

A. D. 1829. REGULATION X.

A REGULATION *for consolidating into one Regulation with modifications the existing Enactments relating to the Collection of Stamp Duties.—Passed by the Governor General in Council on the* 16*th June* 1829, *corresponding with the* 4*th Assar* 1236 *Bengal Era; the* 29*th Jeyte* 1236 *Fusly; the* 5*th Assar* 1236 *Willaity; the* 14*th Jeyte* 1886 *Sumbut; and the* 13*th Zehijja* 1244 *Higeree.*

THE existing Regulations in regard to Stamp Duties raised, levied, and paid within the Provinces subject to the Presidency of Fort William, having been found imperfect in several respects, and some modifications in the rates of duty having been deemed necessary, it has been considered advisable to revise and re-enact the Regulations in force, and to consolidate the whole into one Regulation, with such modifications as may be calculated to secure the public resources, without increasing the burthen of the impost on the people. The following Rules have accordingly been enacted to be in force within the Provinces subject to the Presidency of Fort William from the date of their promulgation. Preamble.

II. Regulation

Provisions of former Regulations rescinded.

II. Regulation I. of 1814, Regulation XVI. of 1824 and the Regulations thereby rescinded, together with such parts of other existing Regulations as relate to the imposition, levying and collecting of Stamp Duties in the Provinces belonging to the Presidency of Fort William, are hereby rescinded.

Stamp Duties to be levied and paid on Deeds as per Schedule A.

III. *First.* Stamp Duties shall be levied, raised, and paid, as heretofore, upon the Deeds, Instruments and Writings, and according to the rates specified in the Schedule A. annexed to this Regulation, from and after the date of the promulgation thereof, and no Deed, Instrument or Writing executed in any place whatsoever on the Continent of India and relating to the payment or receipt of any sum of money, or to the sale, conveyance, assignment, or transfer of any property, real or personal, being within any Province or place to which this Regulation extends, or of any interest in such property, or relating to any agreement, contract, obligation, engagement or settlement intended to have effect within any Province or place as aforesaid, (such Deed, Instrument, or Writing being of a description chargeable with Stamp Duty, under the Rules of this or any other Regulation) shall be pleaded, given, or admitted in evidence or otherwise received or filed in any Court of Judicature or other Public Office, within the Provinces subject to the Presidency of Fort William, unless the Paper, Vellum, or other material on which such Deed, Instrument, or Writing may be written, shall be stamped with the Stamp prescribed for such Deed, Instrument, or Writing in the said Schedule—and the Schedule aforesaid shall be deemed and considered to be, to all intents and purposes, part of this Regulation.

No Deed executed in any place on the continent of India shall be received in any Native Court unless written on Paper bearing the prescribed Stamp.

Second.

Second. Provided however, that no exception shall be taken to any Deed, Instrument, or Writing not executed on Paper or other material bearing a Stamp of the specific denomination prescribed in the Schedule hereunto annexed, if such Deed, Instrument, or Writing shall bear a Stamp or Stamps of an amount exceeding that so prescribed, or if when of a date anterior to the passing and promulgation of this Regulation, the Stamp borne by the Paper or other material of the Deed, Instrument, or Writing corresponds with the rate of duty chargeable on the same, at the time when such Deed or Writing was executed.

No exception on account of over-value.

Nor to prior Deeds if stamped as prescribed at the date of execution.

Third. When a different Stamp may be in use for Calcutta and for the interior, no exception shall be taken to any Deed, Document, or Writing as bearing an undue Stamp, because stamped with the Calcutta Die when intended to have effect in the interior, provided the Deed or Document and the Stamp impressed thereon be in other respects correct, and the amount of duty indicated by the Stamp correspond with that prescribed in this Regulation.

Nor on account of a different die in use in Calcutta being impressed on a Deed intended for the Mofussil.

IV. In modification of the existing Rules in regard to the authentication of Stamped Paper by Assistants duly appointed for that purpose, it is hereby declared and enacted, that such descriptions of Paper only as may be directed by the Governor General in Council shall be required to bear in addition to the Government Stamps, the authentication of signature by an Assistant to the Superintendent of Stamps. Every Collector and Vender of Stamps shall be provided with a copy and translation of the order last issued for regulating such authentication, that the

Authentication of Stamped Paper to be made as ordered by Governor General in Council.

Collectors and Venders to have copy of orders on the subject, and Venders giving out paper without authentication when required, to forfeit one hundred rupees.

the same may be exhibited to Purchasers, and to the Public at large, and no Paper, Parchment, or other material shall be sold or delivered out from any Store or place of vend that may not be conformable thereto. Any Vender selling unauthenticated paper of a description requiring to be authenticated, in violation of this rule, shall, on conviction, forfeit the sum of one hundred rupees for each offence.

General Superintendence to be vested in such Board or Commission as Governor General in Council may direct.

V. *First.* The general Superintendence of the management of the Revenue derived by Government from Stamps, shall be vested in such Board, Commission, or other authority as the Governor General in Council may, from time to time, appoint and direct, and it shall be competent to the Governor General in Council to assign the whole of the duties of Superintendence to one authority, or to divide and distribute the several duties herein under prescribed to be performed by a Board or other superior authority, amongst several officers and authorities, in such manner as he may determine, giving notice of any change in this respect by publication in the Government Gazette.

He may also distribute the duties of Superintendence amongst more than one authority.

A Stamp Office to be established under charge of Superintendent of Stamps.

Second. A Stamp Office, at which Stamps of the several descriptions provided for by this Regulation shall be prepared, and kept in Store, shall be established as heretofore at such house, building, or place at or near the Presidency, as the Governor General in Council may deem suitable for the purpose, and the same shall be under the charge of an officer to be denominated Superintendent of Stamps, who shall, in all matters connected with the execution and due enforcement of this Regulation, be subject

subject to the orders of Board or other authority appointed by the Governor General in Council, for the control and management of this branch of Revenue. The Superintendent shall keep an exact account of all Stamps impressed or manufactured by the Government Officers, as well as of all issues from the Depôt, and of the quantity of Stamped Paper, Vellum or Parchment of each description remaining in store. He shall likewise keep a separate account of unstamped Water-marked papers, and of the receipts and issues thereof, and shall prepare and submit to the said Board or other controlling authority, such periodical reports and statements as may be required by that authority.

Subject to a Board or other controlling authority.

VI. *First.* For every sum charged or purporting to be charged as Stamp Duty, on any Vellum, Parchment, Paper or other material sold or delivered out for sale, two Stamps shall be impressed, each of which shall specify in the English, Persian, and Bengallee characters the amount of the sum charged—one of the said Stamps shall be affixed at the Stamp Office, and shall bear, besides the value as above, the words "Stamp Office," in the English character, with any further device or legend which the Board or other controlling authority aforesaid may see fit to direct.—The other impression shall be a Counter-stamp, to be affixed in such place and at such Office as the Governor General in Council shall prescribe, and shall bear, along with the amount of duty levied, either the name of the Office where the same may be so affixed in English, or the word "Counter-stamp," to designate the nature thereof.

Stamps how to be impressed and where.

Counter-stamp.

Second. It

Board to cause proper Stamps to be provided.

Second. It shall be the duty of the Board or other controlling authority appointed as aforesaid, to provide or cause to be provided, proper and sufficient Stamps or Dies, for expressing and denoting the several duties and rates specified in the Schedule annexed to this Regulation, and it shall be competent to the authority aforesaid to direct, if so deemed expedient, the employment of two or more Stamps, to denote the amount chargeable on any single piece of Vellum, Parchment, Paper or other material: provided however that the Stamps impressed with the word "Stamp Office," shall always correspond in number and value with the Counter-stamps impressed thereon.

Board to alter the Dies from time to time.

Third. The said Board or other controlling authority as above provided, shall have the power also of, at any time, changing or altering the Dies, and of regulating the size, shape, manner, and matter of the impressions at discretion, provided only that the Stamp to be affixed at the Stamp Office shall always contain, in plain and legible characters, the legend prescribed in the First Clause of this Section, and that the Counter-stamp do similarly contain its legend. The said Board or other authority aforesaid shall however, in the exercise of the powers and functions vested in them by this Regulation, be guided by such special directions as they may receive from the Governor General in Council in the manner heretofore used in all matters and things belonging to the management of this branch of the Public Revenue.

But subject in all things to the orders of the Governor General in Council.

The Collection of the Stamp Duties to be

VII. The Collection and management of the Stamp Duties

Duties in the several Districts subject to the Presidency of Fort William, shall be vested in the Collectors of Land Revenue, unless the Governor General in Council shall at any time think proper to transfer the same to any other Covenanted Officer, or to associate, depute, or appoint another such Officer for the charge thereof. In such case the Officer so deputed or appointed shall exercise the power and authorities vested in Collectors of Land Revenue by this Regulation, unless otherwise specially provided in the order of appointment.

vested in the Collectors of Land Revenue or other Officers appointed by Government.

Repealed so far as by and this limitation to a Covenanted Officer by Act XXVIII of 1837

VIII. *First.* The Collectors or other Covenanted Officers authorized to sell Stamps, shall be supplied with Stamps upon Indent addressed to the Superintendent of Stamps, to whom they shall grant receipts in Duplicate.

How to be supplied with Stamps.

Second. The Collectors or other Covenanted Officers authorized to sell Stamps, shall be answerable to Government for the value of all Paper for which they may give receipts as above to the Superintendent of Stamps, or to their Predecessors in Office.

Collectors responsible for all Stamped Paper entrusted to them.

IX. *First.* The Collector shall appoint such Officers for the management of the Stamps at the Sudder Cutcherry, as he may deem fit, taking from them such security for his satisfaction, as he may deem adequate and necessary, provided however, that all persons employed in the vend of Stamped Paper, shall be liable to the Rules hereinafter enacted for Licensed Venders.

Venders of Stamps how to be appointed.

Second. No

No person shall publicly sell Stamps without License or Special authority from the Board.

Second. No person not licensed after the manner hereinafter prescribed, shall be competent to expose Stamped Paper, Parchment, or other material publicly to sale, and any one offending in this respect, shall, on conviction, forfeit to Government for the first offence, the sum of Five Hundred, Sicca Rupees, and for the second or any subsequent offence, the sum of One Thousand Sicca Rupees. But nothing herein contained shall be deemed to prevent persons having duly purchased Stamped Paper, or other material from the authorized Venders of Government, or having otherwise obtained such Paper from the Stamp Office, after the manner hereinafter provided, from transferring the same to others.

Penalty for breach of this rule.

But persons purchasing Stamp Paper may transfer the same.

Venders to give Security for the due discharge of their duty.

X. *First.* Every person who may be appointed by a Collector or other Covenanted Officer to be a Vender of Stamps on the part of Government, shall execute a Bond with one or more responsible Sureties, for the faithful performance of the several duties prescribed for Venders in this or any future Regulation, with such penalty, and after such form, as may be required by the Board or other controlling authority, and any failure in fulfilling the conditions of such bond, shall, besides the penalty thereby provided, subject the offender to immediate dismission from the said Office of Vender.

Licenses and Schedule of Stamp Duties to be stuck up in Vender's Shops.

Second. All persons licensed to vend Stamps, shall at all times have their respective Licenses together with a copy of the Schedules annexed to this Regulation, or of an abstract thereof duly authenticated by the official Signature of the Superintendent of Stamps,

Stamps, and likewise copy of the orders last issued, in respect to the authentication of Stamp Paper, as prescribed in Section IV. of this Regulation, stuck up in a conspicuous place within the shop or building in which they may sell the Stamps, and shall further hang up on the outer door of such shop or other building, such notification of their being licensed, as the Board or other controlling authority aforesaid may direct. Any neglect or failure to observe the above rule, will, on conviction, before the Collector of the District, subject the party offending to a fine of Fifty Sicca Rupees for each offence.

Accounts to be kept by Venders and produced to Collectors when required.

Third. Persons licensed as aforesaid, shall keep such accounts of the Paper received and delivered by them as the Board or other controlling authority may direct, and shall furnish the Collector or other Officer under whom they may serve with such copies, statements, or extracts of their accounts, and at such periods, as he may from time to time require. The said persons shall regularly pay to the Collector or other Officer all money or monies received by them on the sale of Stamps entrusted to them on the account of Government, at such periods as the said Collector or other Officer may appoint, and shall likewise at all times when required, permit the said Officer or any other person duly authorized by him, to inspect the accounts kept by them, and to examine the Store of Stamped Paper, or other material bearing the prescribed Stamp, which they may have in their possession for sale.

Money received by Venders to be regularly accounted for.

Accounts and Stamps to be produced for inspection when required.

Penalties for breach of above Rules by Venders.

Fourth. Any Vender failing to produce before the Collector of the District or other Officer, vested with the powers of a Collector

Collector in respect to the Stamp duty, any of the accounts required to be kept by him as above provided, after requisition made in writing by that Officer, and failing to account for such omission to the satisfaction of the said Collector or Covenanted Officer, or of the Board or other controlling authority as above provided, shall forfeit the sum of Fifty Rupees for each offence, and shall further forfeit a like sum daily for every day beyond the date fixed in such requisition for the production thereof, until the day when the accounts may be produced. Any Vender refusing to permit the Collector or other Officer vested with similar authority, or any person duly authorized by a writing under the Seal and Signature of such Officer, to inspect the said accounts, and examine the store of Stamped Paper at the time in the custody of such Vender immediately upon demand, shall, on conviction, forfeit for every such refusal, the sum of One Hundred Sicca Rupees, and shall further be subject to a daily fine of Fifty Rupees until he shall comply with the Collector's requisition.

Venders to realize duty before delivering Stamp.

Fifth. No Vender of Stamps shall deliver any Stamped Paper, Vellum, Parchment, or other material to any person whatsoever, without having previously received the full amount of the duty denoted by the Stamp thereupon affixed, save and except in cases in which he may be otherwise specially permitted or directed by Perwana or written order of the Collector or other Officer exercising similar powers: And any Vender of Stamps who may, without authority, permission, or direction in writing from the Collector or other Officer aforesaid sell,

Penalty for selling or delivering Stamps without receipt of full duty.

sell, give out, or deliver Stamped Paper, Vellum, Parchment, or other Stamped material, without having received the entire amount of duty denominated by the Stamp affixed thereto, shall, on conviction, forfeit for each and every piece of Paper or other material so given out or delivered by him, the sum of Fifty Rupees, besides being held responsible in the first instance for the value of the Paper.

Sixth. Venders of Stamps shall carefully write on the back of each sheet or piece of Paper, Vellum, Parchment or other material bearing the impress of the Government Stamps, on the same being sold or delivered by them, the date of sale and delivery, and also the name of the person to whom the same is delivered, and shall attest such endorsement with their signature written in the manner commonly used by them; and any Vender of Stamps giving out or delivering any Stamped Paper, Vellum, Parchment or other material without writing on the back of each sheet or piece his name and the date of sale and delivery as aforesaid, shall, on conviction, forfeit for each and every piece of Stamped Paper, Vellum, Parchment or other material so wrongfully given out or delivered by him, the sum of Fifty Rupees, when the value of the Stamped Paper or other material sold shall not exceed the sum of Sixteen Rupees; if the value of the Stamped Paper or other material so sold without due endorsement, shall exceed the sum of Sixteen Rupees, then the Vender shall, for every offence so committed, forfeit on conviction, a sum equal to three times the value of the Stamped Paper so improperly sold by him.

Venders to endorse the date of Sale and delivery of Stamps sold by them, also name of the purchaser.

Penalty for neglect in so doing.

Seventh.

Penalty for falsification of date.

Seventh. Any Vender or Distributor writing a false date or name at the back of Stamped Paper, Vellum, Parchment or other material given out by him, shall on conviction, forfeit the sum of One Hundred Rupees for every such offence, and if the value of the Stamp sold exceed Sixteen Rupees, then he shall, on conviction, forfeit Six times the value of such Stamped Paper, besides being in both cases liable to the penalty of his Bond in case of breach of its stipulations.

Penalty for refusal or wilful delay to deliver Stamps.

Eighth. Any Stamp Vender convicted of refusing or of unnecessarily delaying to furnish Stamped Paper, Vellum, Parchment or other material required by a person desiring to purchase, and tendering in lawful currency the full value of the same (he the Stamp Vender having in his possession for sale Stamped Paper, Vellum, or Parchment of the description and value required) shall, besides forfeiting his license, be subject to a fine of One Hundred Rupees.

Penalty for exaction of price or consideration in excess of the duty.

Ninth. Any Stamp Vender convicted of taking from a purchaser, a higher price than that denoted on the Stamps impressed on the Paper, Vellum, Parchment or other material sold, shall be deemed guilty of extortion, and shall be sentenced to six months imprisonment on conviction before the Collector or other Covenanted Officer qualified to take cognizance of the offence, besides being liable to refund the whole amount proved to have been levied or taken in excess of the proper duty.

Tenth.

Tenth. It shall be competent to the Collectors or other Officers exercising similar powers to demand such collateral security, in addition to the Bond above prescribed, as they may deem necessary to guard against loss from the misappropriation of the Stamps delivered to the Venders or from embezzlement of the money realized by them, and to require the same to be renewed or other security to be furnished at any time that he may deem expedient, and any Vender unable or refusing to give such security when required, shall not be appointed, or if already appointed, shall be liable to have his License immediately withdrawn.

Collectors may require collateral Security from Venders.

Eleventh. When the license of any Vender may be withdrawn, or when such Vender shall resign the office, all Stamped Paper remaining in store at the time of such removal or resignation, and all accounts regarding the sale and distribution of Stamped Paper or the like at any time delivered to him, together with the balance of all money or monies which may have been realized by the sale and distribution thereof, up to the date of removal or resignation, and which may not have been already paid, or accounted for to the Collector or other similar Officer, and likewise all licenses, orders, or other documents or writings which the said Vender may have received from that Officer shall be forthwith delivered over to the said Collector, or to such person or persons as he may appoint, by a writing under his hand and seal, to take charge thereof, receiving for any part of the Stamped Paper that may have been furnished to him for cash under the Provisions of this or any other Regulation, the amount actually paid by him for the same as therein directed. In case any Vender

On removal or resignation of Vender all Stampt Paper, &c. in store, money, and writings, to be delivered to Collector.

Penalty for refusal.

Vender removed or resigning, shall refuse or fail to make over the said Accounts and Stores, and the balance of the accounts in cash or any part thereof, he shall, on conviction, forfeit for such failure or refusal, a sum equal to triple the amount and value of the Stamps, and money which may appear from the accounts kept at the Collector's Office, to be or which ought to be in the possesion of such Vender, together with a daily fine, not exceeding the sum of Fifty Rupees until the Papers, Accounts and Documents required are furnished.

Course to be followed on Death of Vender for demand of Stoie from his representatives.

Twelfth. In case of the death of any Vender of Stamps, the Collector or other Officer vested with similar powers to a Collector, shall in like manner demand from the heir or person administering to or in possession of the estate of the deceased or from any person in charge of his effects, the remainder of any Store of Stamped Paper, Vellum, Parchment, or other material on which the Stamp is impressed, that may be due from such Vender at the time of his decease, together with all accounts of the sale or distribution thereof, as well as all licences, orders, or other documents or writings as aforesaid, that may be forthcoming amongst the effects of the deceased, and in the event of any refusal, on the part of the Heir, Administrator, or other person in charge of the effects of the deceased to deliver the same, a due official receipt being tendered for the same, or of refusal to allow search to be made whenever the Collector or other similar Officer may demand to make search for the said stores, writings, or accounts amongst the effects of the deceased, such Heir or Administrator, or other person in charge of the estate or effects, shall forfeit for every such offence, on conviction, the sum of One Hundred

Penalty for refusal of representatives to deliver or allow search.

Hundred Rupees, and shall further be subject to a daily fine, not exceeding Fifty Rupees, until the Papers, Accounts, Documents, and writings required are furnished, or search allowed to be made as required.

Thirteenth. Provided also, that it shall be competent to the Collector in all cases in which a Vender may fail or delay to account for, and make good the value of any Stamped Paper, Vellum, Parchment, or other material, having a Stamp impressed thereon, with which he may have been furnished for sale on account of Government, immediately to call upon the surety or sureties of the said Vender, to make good the balance of Money or Paper standing against the Vender, and on his or their failure to do so, to proceed against all or any of them for the recovery of the amount by the process in use for recovery of arrears of Revenue due by a Sudder Farmer.

Cases in which securities may be called on.

XI. *First.* For the convenience of Merchants, Indigo Planters, Attornies, and others who may be desirous of having in their possession, Papers, Parchments, or other material Stamped with various impressions, to be used as occasion may require, in drawing up instruments of any of the descriptions, required to be executed on materials impressed with a Government Stamp, it is hereby provided, that any person desirous of obtaining a supply of Stamped Paper or other material, shall, on application to the Collector of the District, or such other Covenanted Officer or Officers as the Governor General in Council may, from time to time, appoint, with similar powers, and on payment to the said Officer of the amount chargeable on account of the Stamps

Individuals, on what terms to be supplied with Stamps for eventual use.

Stamps required receive a certificate or receipt from the Collector or Officer aforesaid, stating the amount paid, and the number and value of the Stamps required, and on the production of that Certificate, together with the necessary quantity of plain Paper, Parchment, or other material, the Superintendent of Stamps, or other Officer in charge of the Stamp Office, shall cause the same to be immediately Stamped and Counter-stamped with the prescribed Stamps of the denominations required.

Receipt to be produced to Superintendent of Stamps by persons wishing to have Paper Stamped.

Second. No Paper, Vellum, Parchment, or other material shall, on any account, be received by the Superintendent of Stamps, to be Stamped on account of any individual, unless the same be accompanied with the above Certificate or receipt, under the signature of the Collector or other Officer aforesaid for the entire amount of duty which may be required to be impressed and denoted thereon, or unless the same be sent to be Stamped by authority of the Board or other controling authority, under the powers vested in them by this Regulation. The receipt or Certificate of the Collector or other Officer aforesaid, shall be disposed of by the Superintendent in such manner as the Board or other controling authority aforesaid may direct.

Examination and authentication of Stamps delivered by Superintendent to individuals.

Third. The Superintendent of Stamps shall appoint one or more Officer or Officers of the Establishment, to receive and compare with the receipt of the Collector or other Officer aforesaid, all Papers and other materials brought or transmitted to be Stamped as above provided, and after the Stamps shall have been affixed, an Officer similarly appointed shall again count and number the whole and sign his name at the back of each separate

separate sheet or piece of Paper or other material, and he shall likewise note or cause to be noted on each the date on which the said Paper is ready for re-delivery, and further make an entry to that effect with specification of the quantity of Paper or other material impressed with each description of Stamp in a Book to be specially kept by him for that purpose—When the Paper or other article shall be prepared in the manner above described, it shall be made up into a parcel to be sealed with the Superintendent's Seal, and shall in that state be forthwith transmitted for delivery to the person who may have sent it to be Stamped, or at the Superintendent's option, notice shall be sent of its being ready for delivery when called for.

Discount in what cases and to what amount to be allowed.

Fourth. Any person purchasing Stamped Paper and furnishing the Material as above provided shall, provided the total value purchased exceed Five Hundred Rupees, be entitled to a discount of Four per Cent., and the amount of such discount shall be charged and entered in the accounts of the Collector or other Officer through whom the purchase may be made under the head of disbursements.

Board may order Stamps to be furnished on conditions above specified to licensed Venders.

Fifth. It shall also be competent to the Board or other controling authority aforesaid, to direct and cause Stamps to be furnished in the manner prescribed in this Section to any licensed Venders who may be willing to purchase the same. All such persons however shall, in the sale of Stamped Paper so furnished to them, be subject to the same rules as are prescribed for the sale of Stamps supplied to them on account of Government: Provided however, that if a Vender so supplied with Stamped Paper shall die

Balance in Store to be delivered up on removal or death.

die or resign, or be dismissed, or if his license be otherwise cancelled, the Collector shall require and receive from him, if alive, and from his securities and representative, if he has demised, all the Stamped Paper, Vellum, or the like which may have been furnished to him under the Provisions of this Section, or such portion as may not have been disposed of, and he or his representative shall be entitled to receive a sum equivalent to the price which he may have advanced for the same, viz. the specified amount of the Stamped Paper or other material aforesaid, with a deduction of the discount that may have been allowed thereon.

Penalty for procuring a Stamp to be improperly impressed, or Certificate granted.

Sixth. Any Native Officer or other person wilfully causing or procuring any Stamp to be fixed or impressed, or any Certificate to be granted in the manner above described, without the Perwana or written order of the Collector or other similar Officer, or conniving with persons so fixing or impressing any Stamp or so granting a Certificate, shall be liable for every such offence to a fine of One Thousand Rupees, commutable to imprisonment for the term of one year, and shall further be held answerable for the amount of the Stamps so impressed, or of the duty leviable on the Paper mentioned in the Certificate.

Soiled or spoiled Stamps how to be replaced.

XII. *First.* Should it so happen that any Stamped Paper, Parchment, Vellum or the like, after having been obtained in the regular manner, shall have become soiled, spoiled, or unfit for use, either by consequence of any accident happening to the same, or because of error in the drawing up or copying any instrument thereupon, which being discovered before such instrument may be finally signed and executed, renders the writing

writing of no avail, or when by reason of the death or refusal of the party or parties whose signature may be necessary to effect the transaction intended by such writing, it remains incomplete and of no avail, or when by the refusal of any Office or trust that may be granted by an instrument, it has failed of the purpose intended, or in the case of Promissory Notes, Bills of Exchange, or the like, if by non-delivery to the payee or person acting on his behalf, or from other cause, the same are never brought to use, in all such cases, it shall be competent to the Board or other controling authority, duly appointed as above provided, upon delivery being made of the Stamped Paper, Parchment, Vellum, or the like so soiled or spoiled, or rendered useless, to cause Stamps of equivalent value to be delivered as above provided to the owner of the article or articles so soiled or spoiled, or his representative. But this rule shall not extend to Bills of Exchange drawn in sets, of which any one of the set may have been delivered to the payee.

Application in such cases how to be preferred by the owner of the Stamps.

Second. The owners of Stamped Paper which may be damaged or soiled as aforesaid, shall prefer their application to the Collector of the District in which they may have purchased it, and if the Collector be of opinion, that the application ought to be complied with, he shall transmit a report of the case to the Board or other controling authority to which he is subject, who shall be and are hereby authorized to direct the Collector to deliver to the party or his representative, Stamped Paper equivalent to that which may have been destroyed or soiled in the same manner and subject to the same conditions as above prescribed for delivery of Stamps to individuals.—Provided however,

Restriction of abuse—provision to Stamps exceeding Ten Rupees in value, and application must be made within six weeks.

however, that no such indulgence shall be granted when the value of the soiled Stamps may not exceed Ten Rupees, nor unless application be made within six weeks of the period, when the Material may have become soiled or otherwise damaged and rendered of no avail.

Penalty for filing or recording Paper not duly endorsed.

XIII. *First.* If any Deed, Instrument, Petition, Pleading or other Writing, required to be written on Stamped Paper and written on the prescribed Stamped Paper, shall be filed, exhibited, or recorded in any Court of Judicature or Public Kucherry, or before any Judge, Collector, Register or other Public Officer, not bearing the signature and endorsement of a Licensed Stamp Vender, (or not procured in the manner prescribed by this Regulation and duly certified to be so when not obtained from a Licensed Vender) the person or persons filing, exhibiting, or recording the said Deed, Instrument, Petition, Pleading or Writing, or causing or procuring it to be filed, exhibited, or recorded, shall forfeit a sum equal to five times the value of the said Stamped Paper; and if any Deed, Instrument, Petition, Pleading or Document shall be filed, exhibited, or recorded as aforesaid, having a forged or counterfeit Stamp or Signature, the person filing, exhibiting, or recording such Deed, Instrument, or Document, that is to say, the party or his Agent who may have produced the same for the purpose of being filed, exhibited, or recorded, shall forfeit to Government a sum equal to twenty times the value of the Stamp, which ought to have been used, unless the material on which the same may be executed, shall bear the signature and endorsement required by this Regulation, and the party shall be able to shew to the satisfaction of the

Proceeding to be followed in a case of forged Stamp being filed.

the Zillah Judge or Collector or other Officer conducting the enquiry on the part of Government as hereinafter directed, that the material Stamped with a forged Stamp was purchased or obtained on the date and in the manner specified on the back, or was otherwise procured in some manner prescribed or permitted by this Regulation.—If the said signature and date shall be duly endorsed on the back of the material Stamped as aforesaid, with a forged impression, and the proof adduced to the fact, and to the date of purchase, be deemed by the Judge or other Officer before whom or in whose Office the Deed, Instrument, or other writing may have been filed, exhibited, or recorded, to be sufficient, that Officer, if not himself the Collector, shall transmit the Document to the Collector with a communication of his judgment in the case, in order that proceedings may be instituted against the Vender; and the Collector, on payment by the party of the established duty chargeable on account of the matter of the Instrument or Deed in question, shall forward it to the Superintendent of Stamps, in order that it may be duly Stamped, the amount so paid being recoverable from the Vender, or from any fine levied from him on account of the transaction.

Persons discovering forged Stamps in their possession, how to proceed.

Second. If any person shall discover that any Deed, Instrument, or Document in his possession is written on Paper or other material bearing a forged or counterfeit Signature or Stamp, such Paper or other material bearing the Signature and Endorsement required by this Regulation, and shall himself represent the circumstance to the Collector or other Officer in charge of the Stamp Revenue of the District, such person shall, on proving

to

to the satisfaction of the said Officer, that the Paper or other material in question was purchased or obtained from a Vender on the date specified on the back, or in a manner prescribed or permitted as aforesaid, be entitled to have the said Paper or material duly Stamped without any Fee or charge whatsoever.

Provision for cases of accident or inadvertence.

XIV. *First.* Deeds, Instruments, and writings, executed on unstamped Paper by individuals from accident, ignorance, inadvertence, error, or from other unavoidable cause ; or Deeds which may have come into the possession of persons subsequently to execution, not executed on Paper bearing the prescribed Stamp, may be impressed with the requisite Stamps on application being made to the Collector or other Officer in charge of this branch of the Revenue, after payment of the penalties hereinunder stated, or such mitigated penalty in lieu thereof as the Board or other controling authority may prescribe.

Holders of Instruments written on unstamped Paper, on what condition to get them Stamped.

If no attempt to evade payment of duty, and brought to be Stamped

Second. If the Deed have been executed in ignorance or through inadvertence, or under circumstances exonerating the party from blame or suspicion of an attempt to evade payment of the prescribed duty, then if brought within thirty days of the date of execution, on payment of treble the amount of duty, or treble the difference, if on Stamped Paper of an inferior denomination.

Within thirty days, double duty.

If after thirty days, five times the duty

Third. If not brought to be Stamped within the said period of thirty days from the date of execution, and the party be nevertheless exempt from all suspicion of attempt to evade the payment of Duty, then, provided a period of three months have

have not elapsed since the date of execution, or if brought within six months from the date of the promulgation of this Regulation, on payment of five times the amount, or five times the difference, if on Stamped Paper of an inferior denomination.

If suspicion of evasion attach.

Fourth. If the party be unable to satisfy the Collector or the Board, or other superior authority as aforesaid, that the execution of the Deed on Paper not duly Stamped proceeded from accident, ignorance, inadvertence, error, or other cause exempt from suspicion of evasion, the party shall, provided the Deed be voluntarily brought within six months from the promulgation of this Regulation, or within three months from the date of execution, be entitled to have the prescribed Stamp affixed, on payment of a penalty equal to ten times the value, and the decision of the Board or other controling authority aforesaid, whether declaring the Paper liable or not liable to suspicion of evasion, shall be conclusive and final.

Penalty of ten times the value.

Deeds brought more than three months after execution, or six months after promulgation of this Regulation.

Fifth. Deeds and Instruments executed on unstamped Paper and not presented to be Stamped within six months from the date of the promulgation of this Regulation, or within three months from the date of execution, shall not be entitled to the benefit of being Stamped, except upon ground shewn to the satisfaction of the Board or other controling authority aforesaid, whereby it shall be made to appear to that authority that by refusing to affix the Stamp the party will be subjected to great and unmerited hardship or injustice. In every such case when it may be determined to affix the Stamp, the fine to be taken in

To be Stamped at the Board's discretion.

Penalty not to be less than ten times the Stamp.

in consideration thereof, shall be discretional, but shall not be less than ten times the value of the Stamp.

Preliminary investigation by Collectors.

XV. *First.* The Collectors of Land Revenue in the several Districts shall investigate and decide in the first instance, all cases of Penalty incurred by breach of this Regulation, attaching the Deed when necessary, pending investigation. On completing the investigation, they shall transmit their proceedings to the Board or other controling authority, duly appointed by the Governor General in Council, with such decision as they may pass thereon, and the grounds thereof fully recorded.—The decision of the Collector shall be liable to be confirmed, modified, or reversed by the said controling authority, whose decision shall be final.

Power of modifying, confirming, and reversing vested in the controling authority, whose decision shall be final.

Penalties incurred under this Regulation recoverable by the process for recovery of arrears from a Sudder Farmer.

Second. All penalties incurred under this Regulation, and adjudged by the Revenue authorities as aforesaid, as well as all balances of cash due from Venders or from their Estates, shall and may be recovered by the Collectors of Land Revenue from the persons or Officers liable thereto, or from their sureties, by the same process as it is, or may be lawful to adopt, for the recovery of arrears of Land Revenue due from any Farmer of Land or his surety.

Power of remitting Penalties vested in the Board or other controling authority.

XVI. It shall be competent to the Board or other controling authority appointed as above described, as well as to the Governor General in Council, to remit any fine or penalty, or any part thereof that may be incurred under the Rules of this Regulation, provided however that nothing herein contained

Proviso in cases of forgery, or issuing forged or counterfeated Paper

shall

shall be considered to affect the existing laws and provisions in respect to the forging of Stamps or in respect to the knowingly using or issuing of Paper bearing a forged or counterfeit Stamp..

Stamp duties on Law Papers, Petitions of Plaint or the like, according to what rates to be levied.

XVII. In addition to the duties chargeable on Deeds, Instruments, and Writings specified in Schedule A, there shall further be levied, raised and paid, as heretofore, in the Provinces subject to the Presidency of Fort William, duties on Law Papers, viz. Petitions of Plaint, Pleadings and the like at the rates and in the manner prescribed in Schedule B, which, with the rules and provisions therein included, shall be deemed and taken to be part of this Regulation, and no Papers shall be filed, exhibited, received or admitted in any Court of Judicature of the description stated in the Schedule to require a Stamp, unless the same shall be duly Stamped.

Penalties on Vakeels filing Petitions, &c., required to be written on Stamped Paper or unstamped Paper.

XVIII. *First.* Every Vakeel, or authorized Pleader or Mooktar, attached to any Court of Judicature, who shall present for the purpose of being filed or recorded in any Court or Kucherry, any Paper, Petition, or any Deed, Instrument, or Document, requiring to be Stamped by the Rules of this Regulation, on unstamped Paper or on Paper not bearing the proper Stamp, and not duly endorsed, or on Paper bearing a counterfeit Stamp, unless signed and endorsed by a Vender as prescribed, shall forfeit five times the amount of the Stamp which ought to have been used, or five times the difference in case of the use of improper Stamps, as prescribed in Section XIII. of this Regulation. The said fine shall be imposed and levied by the presiding Officer

To be imposed and levied by the Court.

of

of the Court in which the said Vakeel or Mooktar may be practising, and the amount shall be remitted to the Collector with copy of the Proceedings or order imposing the fine.

Penalties in question how recoverable at suit of the Collector in case of subsequent discovery.

Second. It shall further be competent to the Collector, or other Officer, exercising similar powers, on discovery of any irregularity of the above description not noticed on the proceedings of the Court, to move the Court by Petition, to be presented to the Judge of the Zillah within whose jurisdiction such Vakeel, or other person so offending, may be practising, for infliction of the above fine when incurred in any Court within the Zillah or City jurisdiction, or if the Vakeel so offending, be an Officer of the Provincial Court, or Sudder Dewanny Adawlut, then the Collector shall make application to those Courts respectively, through the Vakeels of Government attached thereto, and the case shall be tried and adjudged by the Zillah Judge or by the Judges of the Superior Courts, and their decision respectively, as to whether the penalty has been incurred or not, shall be final.

Controuling authority and Collectors authorized to administer oaths.

XIX. It shall and may be lawful for the Board or other controuling authority, and for the Collectors of Land Revenue or other Officers vested with the local charge of this branch of Revenue, to summon witnesses to administer oaths and affirmations, and to take affidavits and affirmations with the same powers and authority in regard to resistance or disobedience of their orders in this behalf, and in respect to contempts as belong to the Zillah and City Judges, and any person giving intentionally, and deliberately a false deposition on oath or upon

upon solemn affirmation when examined by any of the authorities or Officers aforesaid, shall be held and considered to be guilty of Perjury, and shall be liable to be prosecuted for the same in the Criminal Courts by the Vakeel of Government, and on conviction before a Court of Circuit, shall incur the penalties which are, or may be prescribed for that offence.

Zillah Judges to carry orders of Collectors, &c., for confinement of persons, into effect.

XX. The Zillah and City Judges shall give effect to all orders passed by the Board or other authority exercising the powers of controul, or by Collectors acting under the authority herein before vested in them, when the same may require or adjudge confinement in the Dewanee Jail, of persons convicted and sentenced to penalties, or of persons who may refuse to make oath or to give evidence when legally required to do so, or who may be guilty of contempt.—Venders convicted of extortion under the 9th Clause of Section X. of this Regulation, shall be forwarded to the Magistrate of the District to be confined in the Criminal Jail.

Except in case of extortion, when the Magistrate is to confine in the Criminal Jail.

Superintendent of Stamps making Circuit to exercise the powers of Collector, with any special powers conferred by the Governor General in Council.

XXI. Whenever the Superintendent of Stamps, or his Assistant, or any other Officer duly empowered thereto, shall proceed into the interior under the orders of the Board or other controuling authority, or of the Governor General in Council, for the purpose of enquiring into any matter connected with the management of the Stamp Revenue, or for any other purpose, he shall be competent to exercise the power and authority of a Collector of Revenue within the District or place to which he may so proceed, besides any other powers and functions that may be vested in him by the Governor General in Council,

SCHEDULE

SCHEDULE (A) *referred to in Section III. of the Regulation, containing a specification of the Duties chargeable on Instruments of Conveyance, Contract, Obligation, and Security for Money, and on Deeds in general.*

1. *AGREEMENT, IKRAR*, or any Minute, or Memorandum of an *AGREEMENT* concerning any matter or thing, not otherwise charged in this Schedule, nor expressly exempted from all Stamp Duty, whether the same be only evidence of a Contract or Obligatory upon the party—if relating to matters capable of valuation, and with the value stated, ...	To be charged as herein under prescribed for Bonds of the same amount.
2. *AGREEMENT* for a Monthly or Annual Payment, ...	To be estimated at the amount of ten years payment, or of the total sum secured, if less.
3. *AGREEMENT* to perform any legal act, or for a purpose not restricted to, or specifying any amount, ...	To be executed on such Stamp as the parties may determine, but no recovery can be made on the Instrument in any Court of Justice of a larger amount than may be covered by the Stamp at the rate prescribed in the Schedule for Bonds.

EXEMPTIONS.

Memorandum of Agreement for the hire of labour.

Ditto all Agreements carried on by letter through the Public Dawk between merchants and other persons.

4. *BILLS*

SCHEDULE A.

4. *BILLS OF EXCHANGE, DRAFTS, PROMISSORY NOTES, HOONDEES, TEEPS, BURATS,* and other Orders or Obligations for the payment of Money, payable (if payable within the Provinces subordinate to this Presidency) at sight, or on demand, or at the periods specified below (not being Deeds, Instruments, or writings, bearing the attestation of one or more witnesses) together with all Bills of Exchange payable out of the said provinces at whatever date.

| | | |

SCHEDULE A.

	Sa. Rs. A.
5. *BILLS OF EXCHANGE, PROMISSORY NOTES, &c.* intended to be re-issued, ...	Shall be charged as prescribed for Promissory Notes payable at a date exceeding three months.
6. *BILLS OF EXCHANGE, PROMISSORY NOTES, &c.* of date exceeding one year, ...	To be charged as Bonds.

Note. The Governor General in Council reserves to himself the power of admitting any Bank or Company to compound for the Stamp Duty chargeable on the Promissory Notes issued by it. Notice of such arrangements shall be given in the Government Gazette.

EXEMPTIONS.

Bills of Exchange or Hoondees for any sum of Money if drawn bonâ fide from any place distant more than 100 *Miles from the place where the same are made payable, and not negociated after acceptance, also Foreign Bills of Exchange drawn in Sets.*

Provided, however, that if any Bill or Bills of Exchange drawn in any part of the Continent of India, and made payable in the Provinces, subject to this Presidency, shall be negociated therein after acceptance, or be in any way transferred after acceptance to a third party, other than the acceptor and the payee of such Bill or Bills, the exemption shall not hold in respect to any such negociated Bill or Bills, unless the same shall be

SCHEDULE A.

	Sa. Rs.	*A.*
be taken to be Stamped prior to such negociation, or unless there be affixed to each Bill a Copy of the same executed on Paper Stamped with the Stamp to which such Bill is declared liable in this Schedule.		

EXEMPTIONS CONTINUED.

Bills of Exchange drawn and Promissory Notes, &c. issued by Government Officers authorized to draw Bills upon the Government Treasuries, or to issue Promissory Notes, or other acknowledgements on account of Government.

All Drafts or Orders for the payment of any sum of Money to the bearer on demand, drawn upon any Bank, Banker, or Agent, residing within twenty miles of the place where such Draft or Order shall be issued, such place being specified on the face of the Draft.

BILLS OF SALE.—See Conveyance and Mortgage.

7. *BONDS, TUMUSOOKS* and other Attested Obligations for the payment of Money, also *PROMISSORY NOTES* and *BILLS OF EXCHANGE, TEEPS, BURATS*, and the like, of date exceeding one Year.

If

SCHEDULE A.

							Sa. Rs.	A.
If for any sum not exceeding					25	Rupees,	0	2
Above	25	Rs.	and not exceeding		50	„	0	4
„	50	„	.....	Ditto	100	„	0	8
„	100	„	.....	Ditto	200	„	1	0
„	200	„	.....	Ditto	300	„	2	0
„	300	„	.....	Ditto	500	„	4	0
„	500	„	.....	Ditto	1,000	„	6	0
„	1,000	„	.....	Ditto	2,000	„	10	0
„	2,000	„	.....	Ditto	3,000	„	16	0
„	3,000	„	.....	Ditto	5,000	„	20	0
„	5,000	„	.....	Ditto	10,000	„	32	0
„	10,000	„	.....	Ditto	20,000	„	40	0
„	20,000	„	.....	Ditto	50,000	„	64	0
„	50,000	„	.....	Ditto	75,000	„	70	0
„	75,000	„	.....	Ditto	1,00,000	„	80	0
„	1,00,000	„	.....	Ditto	1,50,000	„	100	0
„	1,50,000	„	.....	Ditto	2,00,000	„	120	0
„	2,00,000	„	.....	Ditto	... ...		150	0

and a further duty of 100 Rupees for every sum of one Lack in excess of the said amount of two Lacks of Rupees.

8. *BONDS*, given as security for the transfer of Government Securities, or for the payment of an Annuity for a fixed period, or for the delivery or accounting for any matter or thing capable of being valued, ... — Shall be charged at the rate of the amount engaged to be paid or accounted for, or at the value of the thing to be delivered or transferred.

9. *BONDS*, for Annuities for an indefinite period, such as Life Annuities, and the like, ... — Shall be charged at the rate of ten times the yearly payment.

10. *BONDS*,

SCHEDULE A.

	Sa. Rs. A.
10. *BONDS*, when the amount of the Money to be secured, or ultimately recovered, shall be uncertain and unlimited,	May be executed on such Stamp as the party may please, but no recovery shall be made thereon in any Court of Justice of a larger amount than is covered by the Stamp.
11. *BONDS*, for the due execution of an Office, or Work, Mochulkas, and the like taken by Individuals, and all other Bonds not otherwise charged or exempted from duty, ...	On optional Stamp as above, with like condition.
12. When the amount is limited to a certain sum, ...	The same as on a Bond for such limited sum.

EXEMPTIONS.

ARBITRATION BONDS.

BONDS, given to or by the Officers of Government on account of any matter, or thing of, or belonging to the Government in its Political or Territorial capacity.

13. *SECURITY BONDS*, which may be taken by or by order of any Court, Collector, or other Judicial or Revenue authority, also Razeenamahs, Sooluhnamahs, and Ruffanamahs, filed in any Suit pending in a Court of Justice,	To be charged as specified and prescribed in Schedule B for Law Papers.
14. *CHARTER PARTIES*, or any *AGREEMENT* of *CONTRACT* for the Charter of any ship or vessel, or any Memorandum, Letter, or other writing between the Captain, Master, or Owner of any ship or vessel, and any other person, for or relating to the freight or conveyance of any money, goods, or effects on board of such ship or vessel,	If the amount payable under the Deed exceeds one thousand Rupees, eight Rupees—and if less than one thousand Rupees, according to the Scale prescribed for Bonds.

EXEMPTION.

SCHEDULE A.

	Sa. Rs.	A.
EXEMPTIONS.		
Charter Parties of ships or vessels taken up by Government for the conveyance of Troops or Military Stores, or for other Political purposes.		
15. *CONTRACTS* and *DEEDS*, if not otherwise charged or exempted from duty, ...	As Agreements.	
16. *COPARTNERSHIP, DEEDS of*	8	0
17. *COMPOSITION DEEDS*, or other Instruments of Composition between a debtor or debtors, and his, her, or their creditors, ...	8	0
18. *CONVEYANCES, (KUBALAS, BYNAMAS, HIBANAMAS)* or Deeds or Instruments of any kind or description whatsoever executed for the sale or transfer for a consideration of any lands, tenements, rents, annuities, or other property, real or personal, heritable or moveable, or of any right, title, interest or claim to, or upon any lands, houses, rents, annuities, or other property, that is to say, for or in respect of the principal or only Deed, Instrument, or Writing whereby the property sold shall be conveyed to or otherwise vested in the purchaser, or purchasers, or to some other person, by his or their directions.		

Where

SCHEDULE A.

									Sa. Rs.	*A.*
When the purchase or consideration-money therein expressed or denoted shall not exceed					...	50	Rupees,		0	8
Above	50	Rs.	and not exceeding,		...	100	„		1	0
„	100	„	.....	Ditto	...	200	„		2	0
„	200	„	.....	Ditto	...	500	„		4	0
„	500	„	.....	Ditto	...	1,000	„		8	0
„	1,000	„	.....	Ditto	...	2,000	„		12	0
„	2,000	„	.....	Ditto	...	3,000	„		16	0
„	3,000	„	.....	Ditto	...	5,000	„		20	0
„	5,000	„	.....	Ditto	...	8,000	„		32	0
„	8,000	„	.....	Ditto	...	12,000	„		40	0
„	12,000	„	.....	Ditto	...	20,000	„		50	0
„	20,000	„	.....	Ditto	...	30,000	„		64	0
„	30,000	„	.....	Ditto	...	50,000	„		80	0
„	50,000	„	.....	Ditto	...	1,00,000	„		100	0
„	1,00,000	„	.....	Ditto	...	2,00,000	„		150	0
And for every further Lack of Rupees beyond Two Lacks,								...	100	0

Note. When, of several Deeds, Instruments, or Writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed, and to engross the same on Paper, Parchment, Vellum, or the like stamped for the prescribed advalorem duty.

18. Provided

SCHEDULE A.

	Sa. Rs.	*A.*
19. Provided, however, that in all cases where there are more Deeds than one, all other Deeds than the principal shall be charged with a like stamp to the principal Deed if of value not exceeding eight Rupees, (which sum shall be the maximum duty on collateral Deeds,) and all such collateral Deeds shall specify by their contents, which other is the principal Deed by which the Conveyance has been effected, certifying, that it is executed in the manner and on material stamped as required.		

EXEMPTIONS.

All Grants, Leases, Sales, or the like, wherein Government, in its Political or Territorial Capacity, is a party.

Note.—This exemption shall not extend to sales made for the recovery of arrears of revenue or rent, or in satisfaction of Decrees of Court, in which cases the purchasers shall be required to pay the prescribed duty along with the purchase-money, and shall receive from the Officer conducting the sale, a Deed of Sale (Bye-Nama,) executed on paper impressed with a corresponding Stamp.

EXEMPTIONS CONTINUED.

All transfers of Subscriptions to any of the Government Loans, or other Government Securities, also of Bank Shares.

20. *COPIES*

SCHEDULE A.

	Sa. Rs.	*A.*
20. *COPIES—COPY*, or *COUNTERPART* of any Deed or Instrument attested to be a true copy and furnished to a party to the same, for the purpose of being given in evidence for the recovery of any sum of money, property, interest, or right secured thereby, ...	The same Duty as prescribed for the Original Deed by this Regulation.	
21. Where such copy may be made for the security or use of any person not being a party to, or taking any benefit or interest immediately under the agreement, contract, bond, deed, or other instrument, per sheet, ...	0	8
22. *COPY* or Extract of any Deed, Instrument, Schedule, Receipt, or other matter annexed to any Agreement, Contract, Bond, Deed, or other Instrument, per sheet, ...	0	8
23. Authenticated Copies of any Records, Letters, Accounts, Statements, Reports, or other Writings furnished to individuals from any of the public offices of Government, shall be written on paper of the size and description now used for the purpose, and called Copy Paper at the Stamp Office, and of the value for each and every sheet of, ...	0	8

For Copies of Judicial Papers to be given from the Courts of Justice, Revenue Kucherries, &c.—See Schedule B.

EXEMPTIONS.

SCHEDULE A.

	Sa Rs. *A.*
EXEMPTIONS.	
Copies made for the private use only of any person having the custody of the Original Instruments, or of his or her Attorney or Solicitor, and Copies of Deeds, &c. retained in Public Offices on returning the Originals.	
Copies of Papers which Public Officers are directed by any General Regulation to make, require, or furnish, not being specially declared chargeable with Stamp Duty.	
24. *DEEDS,* of any kind, not otherwise particularized in this Schedule, ...	As Agreements.
25. *EXCHANGES*—Any Deed, whereby any Real Property shall be conveyed, or surrendered in exchange for other Property.	
If no Sum of Money shall be paid or agreed to be paid for equality of exchange, ...	8 0
26. And if any Sum of Money be paid or agreed to be paid for equality of exchange, ...	The same advalorem Duty as for a Conveyance for such sum.
27. *ENGAGEMENTS* to cultivate, provide, or deliver Indigo Plant, or to produce, manufacture, provide or deliver any other Article of Commerce, in consideration of advance made, ...	Shall be charged on the amount advanced at the rate of Bonds.
28. *LEASES.*	

SCHEDULE A.

	Sa. Rs.	A.
28. *LEASES.* Any Lease made in perpetuity, or for a term of years or period determinable, with one or more lives, or otherwise Contingent, in consideration of a Sum of Money paid in the way of premium, fine, or the like, if without rent, ...	The same Duty as for a Conveyance or Sale for a Sum of the amount of such consideration.	
29. Any *LEASE OF LANDS, HOUSES, or other REAL PORPERTY* at a Monthly or Yearly Rent, without any payment of any Sum of Money by way of fine or premium.		

Where the Rent calculated for a whole Year	For a period not exceeding One Year, Sa. Rs.	A.	For a period exceeding One Year,	
shall exceed Twelve Rupees, but not exceed 24 Rupees, ...	0	4	0	8
Exceeding 24 Rs. but not exceeding 50 Rs.	0	8	0	12
„ 50 „ ... Ditto ... 100 „	0	12	1	0
„ 100 „ ... Ditto ... 250 „	1	0	2	0
„ 250 „ ... Ditto ... 500 „	2	0	4	0
„ 500 „ ... Ditto ... 1,000 „	4	0	8	0
„ 1,000 „ ... Ditto ... 2,000 „	8	0	12	0
„ 2,000 „ ... Ditto ... 4,000 „	12	0	16	0
„ 4,000 „ ... Ditto ... 6,000 „	16	0	20	0
„ 6,000 „ ... Ditto ... 10,000 „	20	0	32	0
„ 10,000 „ ... Ditto ... 50,000 „	32	0	64	0
Above 50,000	64	0	80	0

30. Any

SCHEDULE A.

	Sa. Rs. A.
30. Any *LEASE OF LANDS, HOUSES* or other *REAL PROPERTY* stipulating for a Yearly Rent, and granted in consideration of a fine or premium, ...	Shall be charged with a Duty equal to both advalorem duties above provided, viz. both as Lease and Conveyance.
31. The *COUNTERPART* of any *LEASE*, i. e. the *KUBOOLEUT*, or the like, ...	Shall be executed on Paper, Vellum, or Parchment, bearing the same Stamp as the Original.

EXEMPTIONS.

All Leases, where the Annual Rent shall not exceed Twelve Rupees.

All Leases, or Pottahs given by authority of Government, or of the Board of Revenue, with their Counterparts, and all Security Bonds, executed as part of the same transactions; also all Leases, viz. Pottahs and Kubooleuts, executed and exchanged with Ryots, and other actual Cultivators of the Soil.

Note. Leases, Pottahs, Kubooleuts, or other Instruments of Contract between Zemindars, Talookdars, or other Holders or Proprietors of Land, whether subject to the payment of Revenue to Government or otherwise, or between Farmers, Kutkenadars, Ijaradars, or other Tenants, on one hand, and any other Talookdar, Kutkenadar, Ijaradar, or other Lease-holder, intermediate between the Ryots or actual Cultivators and the Sudder Malgoozar or Lakherajdar, on the other, ... — Shall be written on Stampt Paper of the value above prescribed for Leases.

LETTERS,

SCHEDULE A.

	Sa. Rs.	A.	
LETTERS, or POWERS OF ATTORNEY, MOOKTARNAMAS, &c. viz.			
32. *POWERS* to perfom any one special, that is to say, particular act, or the acts connected with one particular suit, case, or transaction, ...	0	8	
33. *GENERAL*, i. e. not restricted as above to one case, suit, or transaction, ...	4	0	
EXEMPTIONS.			
Wukalutnamahs, Mooktarnamas, and other Powers required to be filed for the conduct of Suits pending before the Native Courts of Judicature or before the Revenue Authorities, for the rule regarding which, see Schedule B, "Law Papers."			
34. *LETTERS OF LICENSE*, from *CREDITORS* to *DEBTORS*, ...	8	0	
35. *MORTGAGES*, any Deed of *MORTGAGE* or *CONDITIONAL SALE, KUTKUBALA, BYE BIL VUFA, BHOG-BHUNDUK, &c.* with or without Possession given, of or for any Lands, Estates, or Property, real or personal, intended as a Security for Money due, or to be lent thereupon: also, any Deed or Contract accompanied with a Deposit of Title Deeds to any Property, where the same may be made as a Security for payment of Money due or lent at the time, ...			Shall be charged after the same manner and at the same rates as if in lieu of such Deed of Mortgage or the like, a Bond had been taken for the sum due or lent at the time.
36. Deeds			

SCHEDULE A.

	Sa. Rs. *A.*
36. *DEEDS of MORTGAGE*, or the like, given as Security for the Transfer of Government Securities, or for the payment of an Annuity for a fixed period, or for the delivery at a future date of any matter or thing capable of being valued, ...	Shall be charged at the above rate for the total amount assured, or for the bona fide value.
37. *DEEDS of MORTGAGE* given for the Security of Annuities for an indefinite period, such as Life Annuities and the like, ...	Shall be charged at the rate of ten times the annual payment.
38. Where the total amount secured by such Mortgage is unlimited, ...	The Deed may be executed on such Stamp as the Party may choose, but no further sum can be recovered thereon, than may be covered by the Stamp.
39. Where it may be stipulated that the amount secured by such Mortgage shall not exceed a certain sum, ...	At the rate of such limitation.
Note. When a Bond may have been already taken for the amount secured, or where, from any other cause, the Mortgage shall act merely as a Collateral Security to some other transaction already charged with the advalorem duty thereupon, the same being specified in the body of the Deed of Mortgage, ...	The Deed to be charged as a Collateral Deed. See Note after Conveyances.
Likewise, in case of there being more Deeds than one required to execute the Mortgage in the manner desired by the parties, the principal Deed only shall be charged with the advalorem duty, and all other Deeds connected with the same transaction, ...	Shall be charged as prescribed in the rule for Collateral Deeds, under Head Conveyance.

40. *MORTGAGES*,

SCHEDULE A.

	Sa. Rs.	*A.*
40. *MORTGAGES, ASSIGNMENTS, ACKNOWLEDGEMENTS*, or Promissory Notes granted to the Treasurer, or other Officer of the Bank of Bengal on account of the Bank, or to any private Banker or Agent for Loans or Advances made on the Deposit of Government Securities, Bullion, Plate, Jewels, or other Goods,	To be charged as Promissory Notes.	
41. *PARTITIONS* by private Agreement of Heirs and Co-Sharers, or made by Public Officers of Estates, or Property real or personal, or in the nature of Separation of Brotherhood, as amongst Hindoos, when a Sharer's portion exceeds in value Rupees Eight Hundred, then on every such Sharer's copy of the Deed of Partition, ...	8	0
When the Sharer's portion shall not exceed 800 Rupees, Then if not exceeding 100 Rupees, ...	0	8
Exceeding 100 Rupees and not exceeding 200 Rupees, ...	1	0
200 ..... 400	2	0
400 ..... 600	4	0
600 ..... 800	6	0
And if any sum or sums of Money shall be paid or agreed to be paid for equality of Partition, ...	The principal Deed stipulating for such payment shall be charged besides with the advalorem duty, prescribed for a Conveyance or Sale for an equal Sum.	
42. *POLICY*		

SCHEDULE A.

	Sa. Rs.	*A.*
42. *POLICY OF ASSURANCE, or INSURANCE,* or other Instrument, by whatever name the same shall be called, whereby an Insurance shall be made upon any life or lives, or upon an event depending upon any life or lives.		
Where the sum ensured shall not exceed Sa. Rs. 5,000	4	0
Exceeding 5,000 not exceeding, ... „ 10,000	8	0
„ 10,000 ..... Ditto ..... „ 20,000	12	0
„ 20,000 ..... Ditto ..... „ 50,000	16	0
Above „ 50,000	20	0
43. *POLICY OF INSURANCE* of any Ship, Vessel, Sloop, Lighter, Boat, or the like, or of any Goods or Property on board, or upon the Freight of any Ship, Vessel, Sloop, Lighter, Boat, or the like, or upon any other interest relating thereto, or upon any Voyage where the premium shall not exceed Two per Cent. on the sum insured, if the whole sum insured shall not exceed One Thousand Rupees, ...	0	8
If the Sum insured exceed One Thousand Rupees, then for every One Thousand Rupees, and also for any fractional part of One Thousand Rupees whereof the same shall consist, ...	0	8

Where

BENGAL SECRETARIAT LIBRARY

SCHEDULE A.

	Sa. Rs.	*A.*	
Where the Premium shall exceed Two per Cent. on the sum insured, if the whole sum shall not exceed One Thousand Rupees, ...	1	0	
If the sum insured exceeds One Thousand Rupees, then for every One Thousand Rupees and also for any fractional part of One Thousand Rupees whereof the same shall consist, ...	1	0	
PROMISSORY NOTES, ...			See Bills of Exchange.
PROMISSORY NOTES, payable at a period exceeding One Year after date, ...			See Bonds.
44. *PROMISSORY NOTES* for the payment of any sum by Instalments, i. e. *KISTBUNDEES,* or for the payment of several sums at different dates, so that the whole of the Money to be paid shall be definite and certain, ...			The same Duty as would be chargeable on a Bond for the whole amount.
All Receipts for Money deposited in any Bank, or in the hands of any Banker or Agent, if the same shall stipulate for the payment of interest upon the Money so deposited, or in hand, shall be deemed and taken to be Promissory Notes.			

45. *RECEIPTS*

SCHEDULE A.

	Sa. Rs.	*A.*
45. *RECEIPTS* or *DISCHARGES* given for any, or upon the payment of any Sum of Money,		
Exceeding 50 Rupees not exceeding 100 Rupees,	0	2
„ 100 „ ... Ditto ... 200 „	0	4
„ 200 „ ... Ditto ... 500 „	0	8
„ 500 „ ... Ditto ... 1,000 „	0	12
„ 1,000 „ ... Ditto ... 2,000 „	1	0
„ 2,000 „ ... Ditto ... 3,000 „	1	8
„ 3,000 „ ... Ditto ... 5,000 „	2	0
„ 5,000 „ ... Ditto ... 8,000 „	2	8
Above ... 8,000 „	4	0
Also for a Receipt in Full of all Demands, ...	4	0
And any Instrument, Note, Memorandum or Writing, given upon the payment of Money, whereby any Money, Debt, or Demand, or the part thereof therein specified, shall be expressed or acknowledged to have been paid, settled, or otherwise satisfied, shall be deemed to be a Receipt for the amount so declared to be paid or satisfied. The Duty is to be paid by the Party giving the Receipt, and if a Stamped Receipt be refused, the Party making the payment may provide the Stamp, deducting the value thereof from the sum due.		
And if any such Instrument or other Writing shall contain a general acknowledgment of the settlement of Debts, Accounts, or other Demands, without specifying the amount thereof, such		

SCHEDULE A.

	Sa. Rs.	*A.*
such Instrument or Writing shall be deemed and taken to be a Receipt in Full of all Demands, and charged accordingly.		
And if payment be made by Delivery of a Bill or Bills of Exchange, Draft or Drafts, Promissory Note, or the like Securities of Money, the Receipt or Acknowledgment given thereupon, shall be deemed to be a Receipt within the meaning of this Schedule.		
EXEMPTIONS.		
Receipts for Money paid or received by any Officer of Government on account of Government, not in the Commercial Department.		
Receipts or Discharges for the Rent of Land granted by any Zemindar, Talookdar, Farmer or other Malgoozar, or by any Holder or Proprietor of Land held exempt from the payment of Revenue, or by any Mofussil Talookdar, Ijaradar, Kutkenadar, or other Lease-holder, or by the Gomashta, Factor, or other Agent of such Zemindar, or other person aforesaid, to a Ryot or other actual Cultivator for the Rent of Land tilled by him.		
Note. Receipts or Discharges granted by any Zemindar, Talookdar or other Holder or Proprietor of Land, or by any Farmer, Kutkenadar, Ijaradar or other Tenant to any other Talookdar, Kutkenadar, Ijaradar, or other Lease-holder intermediate between		

SCHEDULE A.

	Sa. Rs.	*A.*
between the Ryots or actual Cultivators, and the Sudder Malgoozar or Lackherajdar, shall be written on Stamped Paper of the kind and rates above prescribed.		
EXEMPTIONS CONTINUED.		
Receipts and Discharges given for the Purchase Money of any Government Securities or Shares of the Bank of Bengal.		
Receipts and Discharges given for Money deposited in any Bank, or with any Agent, to be accounted for on Demand, provided no Interest be stipulated as payable thereon.		
(If Interest be stipulated, such Receipt shall be chargeable as a Promissory Note, as above provided.)		
Receipts or Discharges written upon Promissory Notes, Bills of Exchange, Drafts or Orders for the payment of Money duly Stamped.		
Receipts and Discharges given to Gomashtas and others, being Servants of the Party giving the Receipts, in acknowledgment of the performance of Service, or of the said Servants having rendered Account of Trusts and Monies committed to them.		
Letters by the Post acknowledging the arrival of any Promissory Notes, Bills of Exchange, or other Securities for Money.		

Receipts

SCHEDULE A.

	Sa. Rs.	*A.*
Receipts or Discharges written upon or contained in any Mortgage Deed or other Security, or any Deed of Conveyance, Settlement, or other Instrument duly Stamped, acknowledging the Receipt of the consideration-money therein expressed, or the Receipt of any principal Money, Interest, or Annuity thereby secured.		
46. *SETTLEMENTS, MARRIAGE SETTLEMENTS, &c.* viz.		
Any Deed or Instrument, whereby any sum or sums of Money or any Government Securities, or other Property, real or personal, shall be settled or agreed to be settled upon, or for the benefit of any person or persons in any manner whatsoever, ...	Shall be charged with the advalorem duty chargeable for a Bond for the amount of value settled, or agreed to be settled, or in cases in which the value shall be indeterminate at the rate chosen by the parties under the rule and condition prescribed for Bonds and Agreements.	
DEEDS of *GIFT and DOWER*, whether to take effect on the instant or at a future period, determinate or indeterminate, ...	Shall be charged as Deeds of Settlement.	
EXEMPTIONS.		
Wills, Testaments, and the like, together with Deeds merely declaratory of Trust, pursuant to any previous Settlement, Deed, or Will.		

SCHEDULE A.

Sa. Rs. A.

GENERAL EXEMPTION AND RULE.

Deeds, Instruments and Writings of any kind, in which Government, or any Board, Commission, Court, or Public Officer of Government may, in a public capacity, be a Party, shall not be chargeable with any Stamp Duty, save and except Deeds, Instruments, and Writings relating to matters of, or belonging to the Commercial Department, or on account of any Commercial Concern of, or belonging to the Honorable Company, which shall be written on Stamped Paper of the same value as is or may be prescribed for the like Deeds or Instruments in the case of private individuals.

Note. The foregoing Exemption shall not extend to Deeds, Instruments and Writings executed to or by the Court of Wards, Local Agents or Officers acting under their authority, such transactions being liable to a Stamp Duty like the transactions of individuals.

GENERAL RULE.

If any Deed, Instrument, or Document specified in this Schedule shall not be contained in one sheet or piece of paper or other material, it shall suffice that one sheet shall bear the Stamp, provided that the Signature or Seals of the Parties and Witnesses be thereupon.

SCHEDULE (B) *referred to in Section XVII. of the Regulation, containing the specification of Duties chargeable on Law Papers.*

	Sa. Rs.	A.
1. *BAIL-BONDS, MOCHULKAS, RECOGNIZANCES, SECURITY BONDS*, (Hazir or Fial Zamin) whether of specified amount, or with a Penalty of a specific sum of money, or of indefinite amount, when furnished and filed under special order of a Court of Justice, Civil or Criminal, or of any Officer exercising Judicial Powers,...	To be charged as Petitions to the Court or authority ordering the same.	
When executed between Individuals not by order of Court,	To be charged as Bonds. See Schedule A.	
EXEMPTION.		
Mochulkas taken on the Release of Prisoners from the Foujdaree or Criminal Jail.		
2. *COPIES—of DECREES* in all regular suits for an amount exceeding One Hundred and Fifty Rupees, calculated in the manner explained under the head Plaint.		
When passed in the Courts of the Registers, or Zillah and City Judges, or by Sudder Ameens empowered to decide the same,	1	0
In the Provincial Courts of Appeal, ...	2	0
In the Sudder Dewannee Adawlut, ...	4	0
3. *COPIES*		

SCHEDULE B.

	Sa. Rs.	*A.*
If to a Register or Sudder Ameen, or to a Collector of Land Revenue or of Customs, or to an Officer of the Salt and Opium Department exercising Judicial Powers, or to a Magistrate, Joint Magistrate, or to a Zillah or City Adawlut, per sheet,	0	8
If to a Provincial Court of Appeal or Commissioner of Revenue and Circuit, or other Authority exercising powers superior to the Zillah Adawlut, ...	1	0
If to the Sudder Dewanny or Nizamut Adawlut, or to the Sudder Board of Revenue or Board of Customs, Salt and Opium, per sheet, ...	2	0

EXEMPTIONS.

All Charges and Informations respecting Crimes and Offences, not Bailable under the Regulations.

Petitions from Prisoners, Convicts, Persons under Examination, or otherwise in duress, or under restraint of the Court or its Officers.

Petitions of Appeal presented to Magistrates against Chowkeedarry Assessment.

Communications made to Magistrates in regard to Police matters not intended for record.

Petitions

SCHEDULE B.

	Sa. Rs.	A.
Petitions to Collectors or Officers making Settlements, relating to matters connected with the Assessment of Lands, the ascertainment of Rights or to other matters affecting the Settlement of the Government Revenue on Lands, if presented pending the formation of such Settlements.		
Petitions to Boards or Commissioners of Revenue relating to the same.		
8. *PLAINT—PETITION* of—in *SUITS* and *APPEALS INSTITUTED* in any *NATIVE COURT* — For the recovery of any sum of Money, or to obtain possession of any Interest, Matter, or thing.		
If the Amount or value of the Property claimed, shall not exceed ... ... 16 Rupees,	1	0
Above 16 Rupees not exceeding, 32 „	2	0
„ 32 „ ... Ditto ... 64 „	4	0
„ 64 „ ... Ditto ... 150 „	8	0
„ 150 „ ... Ditto ... 300 „	16	0
„ 300 „ ... Ditto ... 800 „	32	0
„ 800 „ ... Ditto ... 1,600 „	50	0
„ 1,600 „ ... Ditto ... 3,000 „	100	0
„ 3,000 „ ... Ditto ... 5,000 „	150	0
„ 5,000 „ ... Ditto ... 10,000 „	250	0
„ 10,000 „ ... Ditto ... 15,000 „	350	0
„ 15,000 „ ... Ditto ... 25,000 „	500	0
„ 25,000 „ ... Ditto ... 50,000 „	700	0
„ 50,000 „ ... Ditto ... 1,00,000 „	1,000	0
„ 1,00,000	2,000	0
Note.		

SCHEDULE B.

	Sa Rs.	*A.*
Note.—In Suits for Lands paying Revenue to Government, if forming one entire Muhal, or a specific portion thereof, with a defined Juma, the value shall be assumed in the Ceded and Conquered Provinces, including Cuttack, at the amount of the Annual Juma payable to Government on account of the Muhal or portion thereof, as aforesaid, and where the Land has been assessed in perpetuity, at three times the amount of the Annual Juma.		
In Suits for Lakheraj Lands, i. e. Lands not paying Revenue to Government, the value shall be assumed at eighteen times the amount of Annual Rent by computation.		
In Suits for Damages, Compensation for Injury, Loss of Cast, and the like, the amount shall be computed at the rate assumed by the Plaintiff.		
In Suits for Houses, Gardens, and other things of value, real or personal, not of the descriptions before specified, as well as for any interest in Malgoozaree Land not capable of valuation under the above rule, the amount shall be computed according to the estimated selling price, and every Plaint shall specify the value of the thing claimed, and if the value thereof be understated, in the proportion of Ten per Cent. and the Plaintiff have not before completion of the Pleadings filed a Second or Duplicate Plaint on Stamped Paper equal to the difference under the Rule contained in Clause 1, Section VII. Regulation		

SCHEDULE B.

	Sa. Rs.	A.
Regulation XXVI. of 1814, the Defendant shall be entitled, on adducing proof of the same, to obtain a Nonsuit, to which effect the Courts are hereby required to pass judgment in such cases—any thing in the existing Regulations to the contrary notwithstanding.		
9. *PLEADINGS—JUDICIAL*—Every *ANSWER, REPLICATION, REJOINDER*, and *SUPPLEMENTARY PLEADING*, filed in any suit, shall be written as follows:		
In the Courts of the Register or Sudder Aumeen, on Paper of value, ...	0	8
In the Zillah and City Court, ...	1	0
In the Provincial Courts of Appeal, and in the Sudder Dewanny Adawlut, ...	4	0

Note. The Pleadings in the Sudder and Mofussil Special Commissions, and other extraordinary Courts, shall be regulated by the Rules of Practice established, or that may be established by those Courts respectively.

EXEMPTIONS.

In all cases, in whatsoever Court tried, involving an Amount not exceeding One Hundred and Fifty Rupees, calculated in the manner described under the Head "Plaint," the Pleadings shall be exempt from Stamp Duty.

10. *RAZEENAMAHS,*

Pleadings papers & copies filed by Defendants in pauper suits are also exempt from duty.
Act IX of 1839.

SCHEDULE B.

	Sa. Rs.	A.
10. *RAZEENAMAHS, RUFANAMAHS, SOOLUHNAMAS*, or the like, that is to say—		
Any Written Application, whereby or according whereunto, a Suit pending in a Civil Court shall be adjusted, or be capable of adjustment without Argument in Court, and award of the Presiding Judge, or other Officer, ...	Shall bear the Stamp required for a Pleading in the Court wherein it may be filed.	
If the Suit be dismissed on such Application before the Pleadings have been completed, and the case called up, the Plaintiff shall be entitled to claim from the Court a Certificate, stating the Amount of Stamp Duty paid on the Plaint, with specification of the number and endorsement of the Paper filed, on presenting which to the Collector of the District, the Plaintiff shall be entitled to receive back the entire amount of the said Stamp Duty—Provided always, there be no exception taken to the Paper or endorsement thereon.		
If the Pleadings have been completed, and the case has been called up for Decision; or is on the List of Causes ready for hearing, the Plaintiff shall receive a Certificate as above for half of the amount of Stamp Duty paid on the Plaint.		

If

SCHEDULE B.

	Sa. Rs.	*A.*
If the adjustment by Razeenamah or Sooluhnama be such as to require Decree to pass on which process of execution can be taken out, the Plaintiff shall not be entitled to any refund of the Stamp Duty so paid.		
11. *WITNESSES—PETITIONS* or *APPLICATIONS* for the Summoning or Examination of Witnesses, according to the number of persons named, ...	To be charged as Exhibits.	
And no Witness shall be summoned or examined in a regular Suit, unless his name is included in a Petition or Application in Writing given in as above.		

RULE.

Nothing herein contained shall be deemed or considered to alter or affect the Rules in force, in regard to Paupers, nor to affect the remuneration to which Moonsiffs are, or may be entitled.

A. D. 1829. REGULATION XI.

A REGULATION *for modifying the Rules in force relative to the construction and repair of Embankments.—Passed by the Governor General in Council on the 7th July* 1829, *corresponding with the 25th Assar* 1236 *Bengal Era; the 20th Assar* 1236 *Fusly; the 26th Assar* 1236 *Willaity; the 6th Assar* 1886 *Sumbut; and the 5th Mohurrum* 1245 *Higeree.*

Preamble.

WHEREAS it has been deemed expedient to abolish the Committees of Embankments appointed under the provisions of Regulation VI. 1806, and to provide otherwise for the general control over such works, the following Rules have been passed, to be in force from the date of their promulgation throughout the Territories subject to the Presidency of Fort William.

Parts of Regulation VI. 1806 rescinded.

II. *First.* Such parts of Regulation VI. 1806, as relate to the appointment of, and duties to be performed by Committees of Embankments, are hereby rescinded.

Second.

The powers and authority of Committees of Embankments appointed under the aforesaid Regulation to be vested in such Officers as Government may appoint.

Second. The powers and authority heretofore exercised by Committees of Embankments appointed under the provisions of the aforesaid Regulation shall, from the date of the promulgation of this Regulation, be vested in such Officers as the Governor General in Council may appoint; and the Officers so appointed, with all Subordinate Functionaries, shall, in the discharge of their duties, be guided by such orders as they may from time to time receive from Government.

A. D. 1829. REGULATION XII.

A REGULATION *for modifying the Provisions of Regulation XII. of* 1825.—*Passed by the Governor General in Council on the 7th July* 1829, *corresponding with the 25th Assar* 1236 *Bengal Era; the 20th Assar* 1236 *Fusly; the 26th Assar* 1236 *Willaity; the 6th Assar* 1886 *Sumbut; and the 5th Mohurrum* 1245 *Higeree.*

Preamble.

WHEREAS, under Regulation XII. of 1825, it is enacted that in cases of culpable homicide, not amounting to murder, as well as in all other cases of a criminal conviction before the Courts of Circuit, wherein those Courts are expressly authorized to pass a final sentence, not exceeding imprisonment for the term of seven years, with or without stripes and hard labor, a reference to the Nizamut Adawlut, solely on the ground of supposed insufficiency of punishment, shall not hereafter be deemed necessary; and whereas, under many circumstances of wounding, manifesting the deliberate intention of committing murder, the punishment of seven years' imprisonment is wholly inadequate; and whereas the intention of the legislature in the reduction of the

the number of trials, referrible to the Nizamut Adawlut, by the restriction above recited, is defeated through the necessity imposed on the Nizamut Adawlut of calling for the proceedings of such trials, revising them, and apportioning the ultimate sentence to the heinousness of the crime, the following Rules are enacted to be in force from the date of their promulgation throughout the Provinces subject to the Presidency of Fort William.

In all cases of wounding, manifesting a deliberate intention to commit murder, the Magistrate to commit the Prisoner to be tried on that specific charge.

II. *First.* In all cases of wounding, manifesting a deliberate intention to commit murder, it shall be the duty of the Magistrate to commit the Prisoner to be tried on that specific charge.

The Law Officer sitting on such trial shall declare whether the intention to commit murder be established.

Second. In all trials for the specific offence described in the foregoing clause, the Law Officer sitting on the trial, shall declare whether the intention to commit murder be established.

Limitation of punishment if the Law Officer find the intent to commit murder, and the Commissioner of Circuit, or other Judge holding the trial, concur therein.

Third. If the Law Officer find the intent to commit murder, and the Commissioner of Circuit, or other Judge, holding the trial, concur therein, it shall be competent to him to pass such sentence of imprisonment as he may deem adequate to the crime, not exceeding the period of fourteen years imprisonment.

Under what circumstances a reference to be made to the Nizamut Adawlut.

III. In any case in which a Commissioner of Circuit, or other Judge, may dissent from the Futwa of the Law Officer, regarding the intent to commit murder, it shall be competent to the Commissioner of Circuit, or other Judge, to make a reference

reference to the Nizamut Adawlut as, under the like circumstance, is, in all other cases, authorized by the general regulations.

Nizamut Adawlut competent to revise the proceedings of the Commissioner or other Judge of Circuit, in certain cases.

IV. Nothing however in this Regulation shall be construed to preclude the Nizamut Adawlut in aggravated attempts to commit murder by assassination, by poison, or otherwise, from revising the Proceedings of the Commissioner of Circuit or other Judge, and passing such sentence of imprisonment, extending to imprisonment for life, as, on duly weighing all the circumstances, may be deemed adequate to the crime.

A. D. 1829. REGULATION XIII.

A REGULATION *for abolishing the Office of Superintendent and Remembrancer of Legal Affairs:—Passed by the Governor General in Council on the* 14*th July* 1829, *corresponding with the* 32*d Assar* 1236 *Bengal Era; the* 27*th Assar* 1236 *Fusly; the* 1*st Sawun* 1236 *Willaity; the* 13*th Assar* 1886 *Sumbut; and the* 12*th Mohurrum* 1245 *Higeree.*

Preamble.

WHEREAS it is deemed expedient to abolish the Office of Superintendent and Remembrancer of Legal Affairs, the following Rules have been enacted to be in force from the date of their promulgation.

Regulation VIII. 1816, rescinded.

II. Regulation VIII. 1816, is hereby rescinded.

Provisions of Clauses Second and Third, Section III. Regulation II. 1814, in regard to the propriety of authorizing a recourse to Judicial process how to be carried into effect.

III. In carrying into effect the Provisions of the Second and Third Clauses of Section III. Regulation II. 1814, in regard to the propriety of authorizing a recourse to Judicial process, the Commissioners and Sudder Board of Revenue appointed under Regulation I. 1829, and the Board of Trade, and the Board of Customs, Salt and Opium, shall be guided by the Rules which were in force previously to the enactment of Regulation VIII. 1816.

IV. The

Rules re-enacted from Regulation VIII. 1816.

IV. The following Rules are re-enacted from Regulation VIII. 1816.

Clause Second Section XXXVII. Regulation XXVII. 1814, modified by this Regulation.

Clause First. In modification of the Rule contained in the Second Clause, XXXVIIth Section, Regulation XXVII. 1814, the following Provisions are enacted.

On vacancies occurring in the Office of the Vakeels of Government, the Courts of Justice are merely to report the circumstance, for the information of Government, to the Secretary in the Judicial Department.

Second. On the occasion of vacancies occurring in the Office of the Vakeels of Government in the Courts of Justice, such Courts shall not nominate any individual to succeed to the Office, but shall merely report the circumstance, for the information of Government, to the Secretary in the Judicial Department.

The Government will ascertain which of the Pleaders may be best fitted to succeed to the vacant Office.

Third. It will rest with Government to ascertain by such inquiries as they may deem necessary, which of the constituted Pleaders of the Court is best fitted by his qualifications and character to succeed to the vacant Office, and to appoint such individual accordingly.

Suits instituted under Clause Fourth, Section III. Regulation II. 1814, how to be entered on the file.

V. In cases in which a party preferring a petition of complaint against a Collector of the Land Revenue, or of Customs, or against a Commercial Resident, or other person amenable to the Courts of Civil Judicature, for acts connected with his official duties, may not be considered entitled to redress from Government, under the Provisions of Clause Third, Section III. Regulation II. 1814; and who may consequently, under the Fourth Clause of that Section, proceed to prosecute the case in the regular course of law, such suit shall be entered on the file

of

of the Court, from the date on which the petition was originally received, and the case shall be brought to a hearing and determination, in the order in which it would have been heard and determined, had it been originally instituted on such date.

Inhabitants of a Foreign Territory who may desire to institute or defend an original Suit, or to prosecute or defend an Appeal in any of the Courts, to furnish Security for all eventual costs of Suits, by a Surety or Sureties residing and possessing property within the limits of the Company's Territory.

II. *First.* From and after the promulgation of this Regulation every person being an inhabitant of a Foreign Territory, who may desire to institute or defend an original Suit, or to prosecute or defend an appeal in any Zillah, City, or Provincial Court, or in the Sudder Dewanny Adawlut, shall be required to furnish Security for all eventual Costs of Suit, which may be adjudged payable by such person, and shall furnish such security by a Surety or Sureties residing and possessing property within the limits of the Company's Territory and within the Jurisdiction of the Company's Court. Such Security shall be furnished by a Plaintiff or Appellant within six weeks of the date on which his plaint or appeal is filed, and a Defendant or Respondent shall furnish it within six weeks of the date on which the usual Summons is served on him, unless such Security be so furnished, the Suit of such person, if plaintiff, shall not be proceeded in, if Defendant or Respondent he shall not be allowed to defend his Suit or Appeal, but the cause shall be decided exparte on the statements and proofs of his Opponent. And no Appeal shall be admitted from the party who may have failed to give the required Security, until he shall first have made good the whole of the Costs demandable from him in the lower Court, and given the necessary Security to cover the Costs in Appeal.

Security to be furnished within six weeks.

No Appeal shall be admitted unless the whole of the Costs in the Lower Courts shall have been made good, and security given to cover the Costs in Appeal.

The above rules to be applicable to persons, who may have instituted or defended any original suit, or prosecuted or defended an appeal in any of the Courts becoming an Inhabitant of a Foreign Territory,

Second. The same Rule shall be applicable and the same mode of proceeding shall be observed in the event of any person who may have instituted or defended any original Suit, or prosecuted or defended an appeal in a Zillah, City, or Provincial Court,

Court, becoming an Inhabitant of a Foreign Territory, before a decree is passed on such suit or appeal, and failing to give the required Security within six weeks of its being demanded by the Court, and such demand the Court is hereby required to make immediately on the circumstance becoming known, even though no motion should be made to that effect.

before a decree is passed on such Suit or Appeal.

Third. It is however provided, that nothing contained in this Section, shall be considered applicable to Pauper Suitors coming within the Provisions of Regulation XXVIII. 1814.

The present Rules not applicable to Pauper Suitors under Regulation XXVIII. 1814.

III. The above Rules shall be held to be applicable to all suits or appeals now pending in the several Courts of Judicature, in which a person of the above description, that is an inhabitant of a Foreign Territory, may be a party.

The foregoing Rules shall be applicable to all Suits or Appeals now pending in the several Courts of Judicature in which an inhabitant of a Foreign Territory may be a party.

A. D. 1829. REGULATION XV.

A REGULATION *for altering the mode of Valuing Goods imported by Sea with a view to the Assessment of Custom Duties thereon:—Passed by the Governor General in Council on the* 15*th September* 1829, *corresponding with the* 31*st Bhadoon* 1236 *Bengal Era; the* 2*d Assin* 1237 *Fusly; the* 1*st Assin* 1237 *Willaity; the* 2*d Assin* 1886 *Sumbut, and the* 15*th Rubee-ul-uwal* 1245 *Higeree.*

Preamble.

IT is provided in Clause Second, Section XLVIII. Regulation IX. 1810, that "the original Invoices or Bills of all "Goods imported into Calcutta by Sea, or from the Foreign "Settlements, shall be produced to the Collector of the Cus-"toms, and excepting in the cases where it is otherwise direct-"ed in this Section, the duties shall be settled upon the amount "thereof. If any additional per centage is prescribed, such "per centage shall be added to the amount of the Invoice or "Bills, and the duty shall be settled upon the aggregate." In Clause the Third next following, it is further enacted, that "If the original Invoice or Bills shall not be produced to the "Collector, or if he shall see cause to suspect that the Invoices

"or

" or Bills produced do not shew the true prime cost of the " Goods, by which is to be understood their prime cost in the " Country, of which they may be the produce or manufacture; " in either case the duty shall be settled on the Calcutta price " at the time of their Importation; adding thereto the pre- " scribed per centage where any is prescribed." The plan of levying Customs Duty on the Invoice value of Goods imported by Sea, has been found to lead to much fraud and inconvenience, and to cause great inequality in the amount of Duty levied on similar Goods, for which evils the discretionary power given to the Collector of rejecting such Invoices as he may suspect not to show the true prime cost of the Goods, does not provide an adequate remedy. It has accordingly been deemed advisable to substitute for the above Rules, the plan of levying Customs Duty on the Market value of Imported Goods, according to the declaration of the parties, subject to such checks as have been deemed necessary to protect the Revenue, with due Security to the interests of the Importer, and of all parties concerned. The following Rules have therefore been passed by and with the sanction of the Honorable Court of Directors, and with the approbation of the Board of Commissioners for the Affairs of India, to take effect from the date of their promulgation within the Provinces subject to this Presidency.

Clauses II. and III. Section XLVIII. Regulation IX. of 1810, rescinded.

II. Clauses the Second and Third, Section XLVIII. Regulation IX. 1810, are hereby rescinded.

III. *First.*

III. *First.* The Duty leviable according to the Schedules annexed to Regulation XV. 1825, on Goods and Merchandize imported by Sea shall be levied advalorem, that is to say, according to the market value at the place and time of importation, except when otherwise specially provided in that or in any other Regulation, and the value of all such Goods and Merchandize shall be stated on the face of the application to clear the same from the Custom House, that may be presented by the Importer, Consignee or Proprietor of such Goods, or his known Agent or Factor, who shall further subjoin to the said application, a declaration of the truth of the same in the manner and form following.

Duty on Goods imported by Sea to be levied advalorem, except when otherwise provided.

Declaration of value to be appended to the application to clear Goods.

A.

FORM OF APPLICATION TO PASS GOODS.

To the Collector of Customs, Calcutta.

SIR,

Be pleased to grant a Permit to pass into Town from the Custom House Wharf, the undermentioned Goods, landed from the Ship or Vessel Commanded by under Colors, and arrived from

Number and Description of Packages.	Marks and Numbers upon the Packages.	Description of Goods and Contents of each Package.	Total Quantity of Goods.	Rate of value in Sa. Rs. of each class and description of Goods.	Name of the Consignee of the Goods.
Numbers in words at length.		In detail.			

I (name of the Proprietor, Consignee, or Importer, to be here inserted,) do hereby declare that the Goods contained in the several Packages specified in this Application, are of the growth, produce or manufacture of (as the case may be), and that I am the Importer or Proprietor thereof, or that I am duly authorized to act in his behalf (as the case may be) and I do enter them at the total value of Sicca Rupees

Witness my hand this day of

In the presence of

(Signed) by the Collector or Deputy Collector.
(As the case may be.)

(Signed) by the Appraiser or other Officer.
(As the case may be.)

(Signed) by the Importer, Proprietor, or Consignee of the Goods.

Second. The above declaration shall be subscribed by the Proprietor, Importer, or Consignee, or his known Agent or Factor, in the presence of two of the Officers of the Customs, of whom the Collector, or Deputy Collector, shall be one, who shall attest the same under their respective signatures: and if, upon view or examination of such Goods, Wares, or Merchandize by the aforesaid Officers, it shall appear to them that such Goods, Wares, or Merchandize, or any portion thereof, or any Article or Articles separately valued as above for assessment of duty, are not or is not valued according to the fair Calcutta Market price at the time of such declaration, then it shall be lawful for the Collector, or other Officer or Officers of the Customs duly authorized in that behalf, to detain such Goods, Wares, or Merchandize, or such Article or Articles, and to cause the same to be lodged in the Government Warehouses, or otherwise secured until the pleasure of the Board of Customs, or other authority acting with the powers of the Board, shall be known and declared. And it shall be lawful for the said Board or other authority to order the Collector to take such Goods, Wares, or Merchandize, for the use and benefit of the Honorable Company, at any time within eight days from the date on which the application of the Importer or Proprietor may have been made, and the Collector or other Officer aforesaid shall, in such case, within fifteen days of the same date, pay to the Proprietor, Importer, or Consignee of such Goods, Wares, or Merchandize, or Article or Articles so detained and taken for the Company, the value thereof as declared and set forth upon the Import Application, in the manner aforesaid, by such Proprietor, Importer,

Declaration to be signed by the Importer in the presence of the Custom House Officers, who will attest it.

Goods under-valued may be detained by Officers.

Subject to reference to Board of Customs,

Who may take for the Company and sell.

Declared value plus 10 per Cent. to be paid to Importer.

Importer, or Consignee, or by his known Agent or Factor, together with an addition of ten per centum thereon, but without any further allowance, either on account of freight, or any other charge or expense whatever. And in all cases in which Goods shall be so taken and purchased by, or on account of Government, the duties payable thereon, shall not be levied from the Proprietor, Importer or Consignee thereof.

Goods so taken to be sold on account of Government.

Third. When payment may be so made to the Importer or Proprietor of such Goods, Wares, or Merchandize, the same shall be in full satisfaction for the Goods in the same manner as if such Goods, Wares, or Merchandize had been transferred by ordinary Sale, and the Collector, under the direction of the Board of Customs, shall cause the said Goods, Wares, or Merchandize, to be publicly sold to the best advantage on account of Government.

Repealed by Act XIV of 1843.

A. D. 1829. REGULATION XVI.

A REGULATION *for increasing the Rates of Duty on Western Salts imported into, or in transit through the Ceded and Conquered Provinces, for levying a further Duty on those Salts on their entering the Province of Benares, and for remitting the Town Duty leviable under the existing Regulations on Western Salts imported for consumption into the City of Benares, or Towns of Mirzapore and Ghazeepore.—Passed by the Governor General in Council on the 24th November* 1829, *corresponding with the* 10*th Aughun* 1236 *Bengal Era; the* 13*th Aughun* 1237 *Fusly; the* 11*th Aughun* 1237 *Willaity; the* 13*th Aughun* 1886 *Sumbut; and the* 26*th Jumadee-ul-awal* 1245 *Higeree.*

PREAMBLE.

BY Section II. Regulation XVII. of 1810, Duties at the following rates are imposed on the several kinds of Alimentary Salt produced in the Western parts of Hindoostan, on importation into, or transportation through any part of the Ceded and Conquered Provinces, and the Province of Benares, viz.

On Lahooree Salt, ...
Saumer Ditto, ...
Doodwana Ditto, ...
} One Rupee per Maund.

On

On Balumba Salt, ...	Twelve Annas per Maund.
Bararee Ditto, ...	
On Salumba Salt, ...	Eight Annas per Maund.
Furrah Ditto, ...	
On any other Alimentary Salt, excepting Salt purchased at the Company's Sales in Calcutta,	Four Annas per Maund.

Under Section III. Clause II. Regulation X. 1810, Town Duties are also levied in the Cities and principal Towns of the said Provincesat the following rates:

On Lahooree Salt, ...	1	Rupee per Maund.
On Saumer and Doodwana,	8	Annas „ „
On Balumba and all others,	4	„ „ „

The variable Duties thus established lead to much abuse, from the difficulty of discriminating between the different kinds of Western Salts. For the correction of this evil, and likewise with a view to the improvement of the Revenue, it has been determined to simplify and somewhat to increase the first mentioned rates of Duty. It has also appeared expedient that the Duty levied on Salt, within the Province of Benares, should be approximated more nearly to the rate levied on the same article in the Lower Provinces, remission being at the same time granted of the separate Town Duty levied on its Importation into the Principal Cities of the said Province; the following Rules have accordingly been enacted, to be in force throughout the

the Ceded and Conquered Provinces, and the Province of Benares, from the period of their promulgation.

II. Section II. Regulation XVII. of 1810, is hereby rescinded.

Section II. Regulation XVII. 1810, rescinded.

III. *First.* From and after the date of the promulgation of this Regulation, Duties of Customs, at the following rates, shall be levied on all Alimentary Salt, not being Salt purchased at the Company's Public Sales, when imported into or in transit through any part of the British Territories Westward of Behar.

Duty of One Rupee Eight Annas per Maund on Lahooree Salt, and One Rupee on all other Western Salts, imposed on importation into or transit through the Provinces West of Behar.

On Lahooree Salt, ...	One Rupee Eight Annas per Maund of 40 Seer, and 80 Sicca Weight to the Seer.
Saumer Ditto, ...	
Doodwana Ditto, ...	
On all other kinds of Salt, ...	One Rupee per Maund of ditto.

Second. Provided however, that Salt now in transit under Rowannahs, or otherwise covered by Rowannahs, shall be allowed to pass free under the same to the consumer, and the additional Duty imposed by this and the following Section of this Regulation, shall not be levied thereon, unless the Salt being covered by Rowannahs, within the Provinces and Districts West of Benares, be brought or attempted to be brought into the last named Province after the date when the additional Duty shall be leviable therein.

But Salt now protected by Rowannahs, to pass free to the consumer under them.

IV.

Additional Duty of One Rupee per Maund to be levied on importation to Benares Province.

IV. In addition to the Duties specified in Clause First of the preceding Section, there shall be levied from and after the date of the promulgation of this Regulation, on all Alimentary Salt, not being Salt purchased at the Company's Public Sales, on the same passing out of the Allahabad District into Benares, or otherwise entering the Province of Benares, a further Duty at the rate of One Rupee per Maund of Forty Seers, and Eighty Sicca Weight to the Seer.

Collector of Customs at Allahabad to detain Boats, &c. carrying Salt into Benares Province until additional Duty be paid, and to grant Special Rowannah for that Province.

V. The Collector of Customs at Allahabad is hereby empowered and required to detain all Boats, Bullocks, Carriages or other Vehicles, employed in the conveyance of Salt, until the additional Duty prescribed by the foregoing Rule shall be paid; and on receiving payment of the same, with the Rowannah or other Document certifying payment of the original Duty imposed by Clause First, Section III. of this Regulation, he shall furnish a Special Rowannah for the Province of Benares, certifying payment of the Consolidated Duty, which Rowannah shall have full force and effect from the date of its being granted, and be renewable and divisible under the existing Regulations. Provided however, that the total period of the currency of Rowannahs for Salt so granted specially for Benares, and of Renewed Rowannahs, and also of Rowannahs granted in exchange of the same, shall not exceed one year from the date of issue at Allahabad or elsewhere, as the case may be.

To have effect for a year from its date.

Other Collectors of Customs on Benares Frontier to levy additional Duty, and grant Rowannahs in like manner.

VI. In like manner the Collector of Customs, or other Officer in Charge of the Customs in Bundelkund, and the Collectors

Collectors or other Officers in Charge of the Customs at Mirzapore, Benares and Ghazcepore, shall detain and levy the Duties prescribed by this Regulation and grant Special Rowannahs, as above described, for any Alimentary Salt, not being Salt purchased at the Company's Public Sales at Calcutta, or Salt protected by a Rowannah taken out from the Allahabad Custom House as above prescribed, which may be brought to their Custom Houses, or to any Chokee of their respective Custom Houses, now established on the Frontier of the Benares Province, or that may be hereafter established; and all Salt found in Transit any where within the Province of Benares, unprotected by a Special Rowannah of the kind prescribed, except the same be on its way from a Frontier Chokee to the Station of the Custom House, with the written permission of the Collector of Customs, shall be seized as forfeited, and brought to confiscation as prescribed for Contraband Goods.

Salt unprotected by a Special Rowannah, if found in Benares, to be forfeited.

VII. The Commissioners of Revenue are hereby vested with the power and authority, subject to the approbation of the Board of Customs, Salt and Opium, to establish Chokees at such Stations as may be necessary to guard and protect from illicit Importation or Transit, the Frontier of the Benares Province, any thing in the existing Regulations to the contrary notwithstanding; and in like manner they are hereby empowered to establish Chokees at such Stations, Ghauts, Roads, Passes, or other Places as may be necessary to secure the Revenue derived from the Duties imposed by this Regulation, on the Import into and Transit of Salt within the Territories West of Benares, and the District of Goruckpore.

Commissioners of Revenue vested with power, subject to approbation of Board of Customs, to establish Chokees where necessary.

VIII.

Town Duty on Western Salts abolished in Benares.

VIII. The Town Duty imposed by the existing Regulations upon Alimentary Salt Imported for consumption into the Cities of Benares, Mirzapore and Ghazeepore, is hereby remitted; and Salt duly covered by Rowannahs certifying payment of the Consolidated Duty above prescribed, shall pass for consumption, free of all further charge, into any City or Place within the Province of Benares.

Goruckpore declared subject to the Benares Duty, and to the Rules for enforcing it.

IX. Alimentary Salt, entering the Goruckpore District from Oude, or from any other quarter, not being Salt purchased at the Company's Public Sales, or Salt protected by Rowannahs duly granted for the Benares Province, shall be subject to the Duty prescribed in Clause First, Section III. of this Regulation, and to the further Duty prescribed for the Benares Province in Section IV. of this Regulation, which Section with the following Rules relating to the levy of the said extra Duty, is hereby declared applicable to the District of Goruckpore as to other Districts of the Benares Province.

The Rule of Regulation X. of 1826, prohibiting the storing of Salt within eight coss of the Behar Frontier, to remain in force.

X. The Rule of Regulation X. of 1826, prohibiting the Importation, Transportation, or Store of any quantity of the Salts therein referred to, exceeding One Maund, within the distance of eight coss from the Eastern limits of the District of Goruckpore, or of any other District adjoining the Province of Behar, shall continue in full force and effect, any thing in this Regulation contained notwithstanding.

A. D. 1829. REGULATION XVII.

A REGULATION *for declaring the practice of Suttee, or of burning or burying alive the Widows of Hindoos, illegal, and punishable by the Criminal Courts.— Passed by the Governor General in Council on the 4th December* 1829, *corresponding with the 20th Aughun* 1236 *Bengal era; the 23d Aughun* 1237 *Fusly; the 21st Aughun* 1237 *Willaity; the 8th Aughun* 1886 *Sumbut; and the 6th Jumadee-us-Sance* 1245 *Higeree.*

PREAMBLE.

THE practice of Suttee, or of burning or burying alive the Widows of Hindoos, is revolting to the feelings of human nature, it is no where enjoined by the religion of the Hindoos as an imperative duty, on the contrary a life of purity and retirement on the part of the Widow is more especially and preferably inculcated, and by a vast majority of that people throughout India the practice is not kept up nor observed: in some extensive districts it does not exist: in those in which it has been most frequent it is notorious that in many instances acts of atrocity have been perpetrated which have been shocking to the Hindoos themselves, and in their eyes unlawful and wicked. The measures hitherto adopted to discourage and prevent such acts have failed of success, and the Governor General in Council is deeply impressed with the conviction that the

the abuses in question cannot be effectually put an end to without abolishing the practice altogether. Actuated by these considerations the Governor General in Council, without intending to depart from one of the first and most important principles of the system of British Government in India, that all classes of the people be secure in the observance of their religious usages, so long as that system can be adhered to without violation of the paramount dictates of justice and humanity, has deemed it right to establish the following rules, which are hereby enacted to be in force from the time of their promulgation throughout the Territories immediately subject to the Presidency of Fort William.

The practice of Suttee, or of burning or burying alive the Widows of Hindoos, declared illegal, and punishable by the Criminal Courts.

II. The practice of Suttee, or of burning or burying alive the Widows of Hindoos, is hereby declared illegal, and punishable by the Criminal Courts.

All Zemindars, Talooqdars, &c. held responsible for the immediate communication to the Officers of the nearest Police Station of any intended sacrifice—Penalty in case of neglect.

III. *First.* All Zemindars, Talooqdars, or other Proprietors of Land, whether Malguzaree or Lakheraj; all Suddur Farmers and Under-renters of Land of every description; all Dependent Talooqdars; all Naibs and other local Agents; all Native Officers employed in the collection of the Revenue and Rents of Lands on the part of Government, or the Court of Wards; and all Munduls or other Head Men of Villages; are hereby declared especially accountable for the immediate communication to the Officers of the nearest Police Station of any intended sacrifice of the nature described in the foregoing Section; and any Zemindar, or other description of persons above noticed, to whom such responsibility is declared to attach, who may

may be convicted of wilfully neglecting or delaying to furnish the information above required, shall be liable to be fined by the Magistrate or Joint Magistrate in any sum not exceeding Two Hundred Rupees, and in default of payment to be confined for any period of imprisonment not exceeding Six Months.

Police Darogahs how to act on receiving the intelligence of the intended sacrifice.

Second. Immediately on receiving intelligence that the sacrifice declared illegal by this Regulation is likely to occur, the Police Darogah shall either repair in person to the spot, or depute his Mohurrir or Jemadar, accompanied by one or more Burkundazes of the Hindoo religion, and it shall be the duty of the Police Officers to announce to the persons assembled for the performance of the Ceremony that it is illegal, and to endeavour to prevail on them to disperse, explaining to them that, in the event of their persisting in it, they will involve themselves in a crime, and become subject to punishment by the Criminal Courts. Should the parties assembled proceed in defiance of these remonstrances to carry the Ceremony into effect, it shall be the duty of the Police Officers to use all lawful means in their power to prevent the sacrifice from taking place, and to apprehend the principal persons aiding and abetting in the performance of it, and in the event of the Police Officers being unable to apprehend them, they shall endeavour to ascertain their names and places of abode, and shall immediately communicate the whole of the particulars to the Magistrate or Joint Magistrate for his orders.

How to act when the intelligence of a sacrifice may not reach them, until after it shall have actually taken place.

Third. Should intelligence of a sacrifice, declared illegal by this Regulation, not reach the Police Officers until after it shall

shall have actually taken place, or should the sacrifice have been carried into effect before their arrival at the spot, they will nevertheless institute a full enquiry into the circumstances of the case, in like manner as on all other occasions of unnatural death, and report them for the information and orders of the Magistrate or Joint Magistrate to whom they may be subordinate.

The Magistrate or Joint Magistrate of the Jurisdiction in which the sacrifice may take place, how to proceed against the parties concerned in promoting it.

IV. *First.* On the receipt of the Reports required to be made by the Police Darogahs, under the provisions of the foregoing Section, the Magistrate or Joint Magistrate of the Jurisdiction in which the sacrifice may have taken place, shall enquire into the circumstances of the case, and shall adopt the necessary measures for bringing the parties concerned in promoting it to trial before the Court of Circuit.

Persons convicted of aiding and abetting in the sacrifice of a Hindoo Widow, shall be deemed guilty of Culpable Homicide, and liable to punishment.

Second. It is hereby declared, that after the promulgation of this Regulation, all persons convicted of aiding and abetting in the sacrifice of a Hindoo Widow, by burning or burying her alive, whether the sacrifice be voluntary on her part or not, shall be deemed guilty of Culpable Homicide, and shall be liable to punishment by fine, or by imprisonment, or by both fine and imprisonment, at the discretion of the Court of Circuit, according to the nature and circumstances of the case and the degree of guilt established against the Offender; nor shall it be held to be any plea of justification that he or she was desired by the party sacrificed, to assist in putting her to death.

Third.

Third. Persons committed to take their trial before the Court of Circuit for the offence above mentioned, shall be admitted to Bail or not at the discretion of the Magistrate or Joint Magistrate, subject to the general rules in force in regard to the admission of Bail.

Persons committed to take their trial before the Court of Circuit, shall be admitted to bail or not, at the discretion of the Magistrate or Joint Magistrate.

V. It is further deemed necessary to declare, that nothing contained in this Regulation shall be construed to preclude the Court of Nizamut Adawlut from passing sentence of death on persons convicted of using violence or compulsion, or of having assisted in burning or burying alive a Hindoo Widow, while laboring under a state of intoxication, or stupefaction, or other cause impeding the exercise of her free will, when, from the aggravated nature of the offence proved against the prisoner, the Court may see no circumstances to render him or her a proper object of mercy.

The Court of Nizamut Adawlut not precluded from passing sentence of death in certain cases.

A. D. 1829. REGULATION XVIII.

A REGULATION *to rescind Section III. Regulation IV.* 1829. *and to make further modifications in the Provisions of Regulation I.* 1821, *and Regulation* I. 1829 :—*Passed by the Governor General in Council on the* 8*th December*, 1829, *corresponding with the* 24*th Aughun* 1236 *Bengal Era; the* 27*th Aughun* 1237 *Fusly; the* 25*th Aughun* 1237 *Willaity; the* 13*th Aughun* 1886 *Sumbut; and the* 10*th Jumadee-us-Sanee* 1245 *Higeree.*

PREAMBLE.

WHEREAS it is deemed expedient to rescind the Rule enacted in Section III. Regulation IV. 1829, and to modify the Rules enacted in Clause Third, Section V. Regulation I. 1821, and in Clause Second, Section X. Regulation I. 1829, so as to admit of all cases, directed in the Clause quoted from the last mentioned Regulation, to be transferred from the Courts of Justice to the several Commissioners of Revenue and Circuit, being heard and determined by the said Courts of Justice, under the ordinary Regulations, except where either of the parties in such cases shall specially apply to the Court to have their cases transferred to the Commissioner of the Division, within the limits

limits of which the property in litigation may be situated—and whereas it is likewise expedient to provide that the Rule enacted in the First Clause of Section V. Regulation I. 1821, shall not be held applicable to cases which may be tried and decided in the ordinary Courts of Judicature under the Provisions of this Regulation; the following Rules have been enacted to be in force from the date of their promulgation throughout the Provinces subordinate to the Presidency of Fort William.

Section III. Regulation IV. 1829, rescinded.

II. Section III. Regulation IV. 1829, is hereby rescinded.

Clause Third, Section V. Regulation I. 1821, and Clause Second, Section X. Regulation I. 1829, modified.

III. *First.* The Provisions contained in Clause Third, Section V. Regulation I. 1821, and in Clause Second, Section X. Regulation I. 1829, are hereby declared subject to the following modifications.

Courts of Justice how to proceed in cases now depending before them, which by Section X. Regulation I. 1829, were declared cognizable by the Commissioners of Revenue and Circuit.

Second. In every case of a nature declared in the Rules of Section X. Regulation I. 1829, to be cognizable by the Commissioners of Revenue and Circuit, which (not having already been transferred to the Commissioners) may now be depending in any of the Courts of Justice, the said Courts shall require the parties to state, within a limited period, whether they are desirous that their case shall be heard and determined in the said Courts, or shall be transferred to the Commissioner of Revenue and Circuit of the Division in which the property in litigation may be situated.

Rule when either of the parties may apply to have a suit transferred for trial and

Third. If either of the parties to a suit shall, when called on by the Court as above directed, present a written application

to

to have the case transferred for trial and decision to the Commissioner of Revenue and Circuit, the Court shall immediately cause the record of the case to be so transferred, and the cause shall be heard and determined by the Commissioner of the Division, subject to the Rules regarding Appeals contained in Section X. Regulation I. 1829.

decision to the Commissioners of Revenue and Circuit.

Fourth. If neither of the parties, when called upon as directed in Clause Second, shall prefer an application within the period limited to have their case removed from the jurisdiction of the Court to that of the Commissioner of Revenue and Circuit, it shall be competent to the Court to proceed to the trial and decision of the same under the general Regulations in force for the administration of Civil Justice.

When neither of the parties may prefer an application to have the case transferred, the Courts how to act.

Fifth. It is hereby declared, that the Rule contained in Clause First, Section V. Regulation I. 1821, shall not be held to apply to cases which may be heard and decided in any of the ordinary Courts of Justice under the Provisions of the foregoing Clause, and that such decisions shall only be liable to be contested in Appeal (regular or special, as the case may be,) under the general Regulations applicable to decisions passed in the ordinary Courts of Civil Judicature.

The Rule contained in Clause First, Section V. Regulation I. 1821, not to apply to cases which may be heard and decided in any of the ordinary Courts of Justice under the foregoing Clause.

TITLES

OF THE

REGULATIONS,

PASSED IN THE YEAR

1830.

REGULATION I.

A REGULATION *for rescinding certain Provisions of Regulation I. of* 1829, *in regard to the administration of Civil Justice in Zillah Midnapore.—Passed by the Governor General in Council on the* 12*th January*, 1830.

REGULATION II.

A REGULATION *for rescinding and re-enacting with modifications the Provisions contained in Regulation VII.* 1818, *for regulating the Trade of Foreign Nations with the Ports and Settlements of the British Nation in the East Indies.—Passed by the Governor General in Council on the* 26*th January*, 1830.

REGULATION III.

REGULATION III.

A REGULATION *for amending part of the Rules of Regulation XV.* 1829, *and likewise for better enforcing the payment of Duty on the exportation of Goods by Sea.—Passed by the Governor General in Council on the* 26*th January,* 1830.

REGULATION IV.

A REGULATION *to explain the intent and meaning of Clause Fourth, Section III. Regulation I.* 1829.—*Passed by the Governor General in Council on the* 9*th March* 1830.

REGULATION V.

A REGULATION *for amending the Provisions of Regulation VI.* 1823, *and for providing more effectually for enforcing the execution of Contracts relating to the cultivation and delivery of Indigo Plant.—Passed by the Governor General in Council on the* 9*th June* 1830.

REGULATION VI.

A REGULATION *for modifying the Provisions of the Regulations now in force relating to the Subsistence Allowance to Debtors confined in the Civil Jails in execution of Decrees.—Passed by the Governor General in Council on the* 12*th August* 1830.

REGULATION VII.

REGULATION VII.

A REGULATION *for modifying the existing Rules regarding the public sale of permanently Assessed Lands for the recovery of Arrears of Revenue, and for the levy of interest and penalty on such Arrears.—Passed by the Governor General in Council on the 7th September* 1830.

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OF THE

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TO THE

REGULATIONS

OF

1830.

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FOREIGN TRADE.

MAHOMEDAN LAW OFFICERS.

INDIGO CONTRACTS.

DEBTORS.

ARREARS OF REVENUE.

MAGISTRATES AND JOINT MAGISTRATES.

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SUBORDINATE HEADS TO THE INDEX.

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A. D. 1830. REGULATION I.

A REGULATION *for rescinding certain Provisions of Regulation I. of* 1829, *in regard to the administration of Civil Justice in Zillah Midnapore.—Passed by the Governor General in Council on the* 12*th January* 1830, *corresponding with the* 30*th Poose* 1236 *Bengal Era; the* 3*d Maug* 1237 *Fusly; the* 1*st Maug* 1237 *Willaity; the* 3*d Maug* 1886 *Sumbut; and the* 16*th Rujub* 1245 *Higeree.*

PREAMBLE.

WHEREAS the pressure of business in the several Departments of the Office of Commissioner for the 19th Division, has rendered it necessary to relieve the Commissioner from the duties connected with the administration of Civil Justice in the District of Midnapore, the following Rules have been enacted by the Governor General in Council, to be in force from the date of their promulgation.

Part of Section VIII. Regulation I. 1829, rescinded.

II. So much of Section VIII. Regulation I. 1829, as confers upon the Commissioner for the Division of Cuttack, the powers of a Provincial Court of Appeal, in regard to the District of Midnapore, is hereby rescinded.

III.

The Provincial Court of Appeal for the Division of Calcutta, shall in future exercise and discharge the whole of the powers and duties of a Court of Appeal in regard to the administration of Civil Justice in the District of Midnapore.

III. From and after the promulgation of this Regulation, the Provincial Court of Appeal, for the Division of Calcutta, shall exercise and discharge the whole of the powers and duties of a Court of Appeal under the general Regulations, in regard to the administration of Civil Justice in the District of Midnapore, which were exercised and discharged by the said Provincial Court previously to the passing of Regulation I. 1829; and all Suits, whether original or in appeal, as well as all miscellaneous Civil business, pending before the Commissioner on the date of the promulgation of this Regulation, which appertain to the District of Midnapore, shall be transferred to the Provincial Court of Appeal for the Division of Calcutta.

A. D. 1830. REGULATION II.

A REGULATION *for rescinding and re-enacting with modifications the Provisions contained in Regulation VII.* 1818, *for regulating the Trade of Foreign Nations with the Ports and Settlements of the British Nation in the East Indies.—Passed by the Governor General in Council on the 26th January* 1830, *corresponding with the* 14*th Maug* 1236 *Bengal Era; the* 17*th Maug* 1237 *Fusly; the* 15*th Maug* 1237 *Willaity; the* 2*d Maug* 1886 *Sumbut; and the* 30*th Rujub* 1245 *Higeree.*

PREAMBLE.

THE Honorable Court of Directors of the United Company of Merchants of England Trading to the East Indies, having been pleased by virtue of the powers vested in them by an Act of the British Legislature to rescind the Rules passed by the said Court on the 31st December 1817, and published and promulgated at this Presidency in Regulation VII. 1818, and to enact other Rules to be in force in lieu thereof, the same have been framed into a Regulation as hereunder contained and have been passed by the Governor General in Council, to take effect and be in force from the date of promulgation.

II.

Certain parts of Regulation VII. 1818, rescinded;

And the following Regulation enacted in lieu of it.

II. Regulation VII. 1818, excepting in so far as it rescinds previous enactments, is hereby rescinded; and the following Regulation passed by the Honorable the Court of Directors of the United Company of Merchants of England Trading to the East Indies, shall take effect and be in full force in lieu thereof, within the Territories subject to the Presidency of Fort William.

Title.

A Regulation for rescinding the existing Regulation of the Thirty-first of December, One Thousand Eight Hundred and Seventeen, relating to the conduct of the Trade between the British Possessions in India, and the Countries and States in Amity with His Majesty, and for making other provisions in lieu thereof.

Preamble.

Whereas by a Regulation passed by the Court of Directors of the United Company of Merchants of England Trading to the East Indies, on the Thirty-first of December, One Thousand Eight Hundred and Seventeen, entitled a "Regulation for carrying on the Trade between the British Possessions in India, "and the Countries and States in Amity with His Majesty," "reciting "that by an Act passed in the Thirty-seventh Year "of the Reign of His late Majesty King George the Third, "entitled 'an Act for regulating the Trade to be carried on "with the British Possessions in India by the Ships of Na-"tions in Amity with His Majesty,' it was enacted that from "and after the passing of that Act, and during the continuance "of the exclusive Trade of the United Company of Merchants "of England Trading to the East Indies, and during the term

"for

" for which the possession of the British Territories in India is " secured to the said United Company, it should be lawful for the " Ships and Vessels of Countries and States in Amity with " His Majesty, to Import into and Export from the British Pos- " sessions in India, such Goods and Commodities as they should " be permitted to Import into and Export from the said Posses- " sions by the Directors of the said Company, who were there- " by directed to frame such Regulations for carrying on the " Trade to and from the said Possessions, and the Countries and " States in Amity with His Majesty, as should seem to them " most conducive to the interest and prosperity of the said Bri- " tish Possessions in India, and of the British Empire; and that " no Ship or Vessel belonging to any of the subjects of States or " Countries in Amity with His Majesty, should be liable to sei- " zure, confiscation, or forfeiture, or other penalty, for Exporting " from or Importing into the said British Possessions in India, " any Goods or Commodities, the Importation or Exportation " of which should respectively be permitted by the said " Regulation, any thing in a certain Act of the Twelfth Year of " the Reign of King Charles the Second therein recited to the " contrary notwithstanding. Provided always that it should " not be lawful for the Directors of the said United Company to " frame any Regulations for the conduct of the said Trade which " should be inconsistent with any Treaty or Treaties, which should " have been or might be entered into by His Majesty, his Heirs " and Successors, and any Country or State at Amity with His " Majesty, or which might be inconsistent with any Act or Acts of " Parliament which had been passed for the Regulation of the " Trade and Commerce of the said British Territories in India;

" And

" And reciting that by another Act passed in the Fifty-third Year " of the Reign of His said late Majesty, entitled 'an Act for " continuing in the East India Company for a further term the " possession of the British Territories in India, together with " certain exclusive privileges for establishing further Regulations " for the Government of the said Territories, and the better " Administration of Justice within the same, and for regulating " the Trade to and from the places within the limits of the said " Company's Charter'—all the enactments, provisions, mat- " ters and things contained in any Act or Acts whatsoever, " which were limited, or might be construed to be limited, to " continue for and during the term granted to the said Com- " pany by a certain Act of Parliament of Great Britain of the " Thirty-third Year of His said late Majesty therein recited so " far as the same or any of them were in force and not repealed " by or repugnant to the said Act of the Fifty-third Year of " His said late Majesty, should continue and be in force during " the further term thereby granted to the said Company, subject " to such alterations therein as might be made by any of the " enactments, provisions, matters and things in that Act con- " tained"—certain Rules were framed for carrying on the Trade to and from the British Possessions in India and the Countries and States in Amity with His Majesty. And whereas it has been deemed expedient that the distinction made by the last mentioned Regulation between Foreign European Ships belonging to Nations having Settlements in the East Indies, and Foreign European Ships belonging to Countries having no such Settlements, should be removed, and that the provisions thereby made for the Trade of Foreign European Ships

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Ships belonging to Nations having Settlements of their own in the East Indies, should be extended to Foreign European Ships belonging to Nations having no Settlements in the East Indies, and also to Ships belonging to the Empire of Brazil. The Court of Directors of the said United Company, in virtue of the powers granted to them by the Acts herein before mentioned, or referred to have rescinded the said Regulation of the Thirty-first of December, One Thousand Eight Hundred and Seventeen, and in lieu thereof have framed the following Regulation.

Foreign European Ships may freely enter the British Sea Ports and Harbours in the East Indies.

1st. " Foreign European Ships belonging to any State or " Country, whether having a Settlement of its own in the East " Indies or not, and Ships belonging to the Empire of Brazil, " so long as such States, Countries and Empire respectively " remain in Amity with His Majesty, may freely enter the " British Sea Ports and Harbours in the East Indies, whether " they come directly from their own Country, or from any of the " Ports and Places in the East Indies, they shall be hospitably " received, and shall have liberty to trade there, in Imports " and Exports, conformably to the Regulations established in " such places, provided that it shall not be lawful for the said " Ships, in time of War between the British Government and " any State or Power whatever, to Export from the said British " Territories, without the special permission of the British " Government, any Military Stores or Naval Stores, Salt Petre " or Grain. The said Ships may also be cleared out for any " Port or Place in the East Indies, but if cleared out for Europe, " or for any Port in the Empire of Brazil, they shall be cleared

Proviso with regard to certain articles of Export in time of War.

" out

" out direct for the Country to which such Ships respectively " belong."

The Trade with America how to be regulated.

2d. " The Trade between the British Possessions in India " and the United States of America shall continue to be regu- " lated by the Convention of Commerce between Great Britain " and the United States of America, signed at London, the " 3d July, 1815."

The present Rules not to affect the existing Regulations for defining the Duties on Foreign Trade.

3d. Nothing in this Regulation shall be construed to affect the provisions contained in the existing Regulations for defining the duties to which the Trade of Foreign Nations is and shall be subject at the Ports and Settlements of the British Nation in the East Indies.

A. D. 1830. REGULATION III.

A REGULATION *for amending part of the Rules of Regulation XV.* 1829, *and likewise for better enforcing the payment of Duty on the Exportation of Goods by Sea.—Passed by the Governor General in Council on the 26th January,* 1830, *corresponding with the* 14*th Maug* 1236 *Bengal Era; the* 17*th Maug* 1237 *Fusly; the* 15*th Maug* 1237 *Willaity; the 2d Maug* 1886 *Sumbut; and the* 30*th Rujub* 1245 *Higeree.*

PREAMBLE.

IT is prescribed in Clause Second, Section III. Regulation XV. 1829, that applications to pass Goods Imported by Sea, shall contain a declaration of the value thereof for Assessment of duties, with other matters to be subscribed by the Proprietor, Importer or Consignee, or his known Agent or Factor, in the presence of two Custom House Officers, whereof the Collector or his Deputy shall be one. The necessity of attendance at the Custom House for this purpose is, however, complained of as irksome and inconvenient to Merchants and others passing Goods, and it has appeared to the Governor General in Council that this condition may be dispensed with under proper checks to prevent abuse. It has also been deemed expedient to provide

provide by distinct penalty for better securing the Custom Duty chargeable on Goods Exported by Sea. The following Rules have accordingly been passed, to be in force from the date of promulgation throughout the Presidency of Fort William.

Declaration of value on applications to Import Goods need not be signed in Collector's or his Deputy's presence.

II. *First.* In modification of the Rule contained in Clause Second, Section III. Regulation XV. 1829, it is hereby provided, that the declaration of value for Assessment of Duty prescribed therein to be signed and subscribed by the Proprietor, Importer or Consignee, or his known Agent or Factor, in the presence of two of the Officers of Customs, of whom the Collector or Deputy Collector shall be one, shall be good and sufficient, and be received as such when duly signed and subscribed by the Proprietor, Importer or Consignee, or his known Agent or Factor, although such signature shall not have been affixed in the presence of the Custom House Officers aforesaid. Provided, however, that it shall be competent to the Collector of Customs whenever he shall see fit, to require the party so declaring to attend and confirm the said written declaration and signature in his presence.

But Collector may require Importer to attend and confirm the declaration.

Any person subscribing as Proprietor, Importer or Consignee, or as Agent, without authority, to be liable to penalty of One Thousand Rupees.

Second. Any person signing and subscribing a declaration of the kind referred to in the preceding Clause of this Section, upon an application to pass Goods through a Government Custom House, who shall not be the Proprietor, Importer or Consignee, or his Agent or Factor, as may be declared therein, shall, for every such offence, forfeit the sum of Sicca Rupees One Thousand.

III. No Goods, Wares, or Merchandize, shall be Exported by Sea, or be put on board any ship or vessel, or any sloop, boat, or other craft, for the purpose of Exportation, or be in any way removed and taken out of the limits of Calcutta, for such purpose from the Custom House Wharf, or from any other Wharf, or Ghaut, until a License or Permit shall have been given in writing by the Collector of Customs, or his Deputy, for the Exportation of the same from such Wharf or Ghaut, and any Goods secretly or openly laden on any ship or vessel, or put on board, or attempted to be put on board of any boat, sloop or craft whatever, for the purpose of being carried on ship-board without such written License or Permit obtained or passed, or attempted to be passed from the Interior otherwise than as above prescribed, shall be forfeited to Government, and may be seized as forfeited by any persons authorized under the Rules of the existing Regulations to make seizures.

Goods for Exportation must be passed through the Custom House, under penalty of forfeiture, if unaccompanied by Permit.

A. D. 1830. REGULATION IV.

A REGULATION *to explain the intent and meaning of Clause Fourth, Section III. Regulation I. 1829.—Passed by the Governor General in Council on the 9th March 1830, corresponding with the 27th Phaugun 1236 Bengal Era; the 30th Phaugun 1237 Fusly; the 28th Phaugun 1237 Willaity; the 15th Phaugun 1886 Sumbut; and the 13th Rumzan 1245 Higeree.*

PREAMBLE.

WHEREAS doubts have been entertained whether under Clause Fourth, Section III. Regulation I. 1829, a trial can be held otherwise than before one of the established Mahomedan Law Officers of the Zillah Courts as therein provided, and whereas it is expedient to remove those doubts, as well with reference to establishing the legality of any trials heretofore held at which an extra Law Officer may have been specially authorized to preside, as to facilitate the business of the Circuits in future when any special arrangement relative to a Law Officer may be deemed necessary, the following Rules have been enacted to be in force from the date of their promulgation.

Clause Fourth, Section III. Regulation I. 1829, explained.

II. It is hereby explained that nothing contained in Clause Fourth, Section III. Regulation I. of 1829, was intended to restrict the Governor General in Council, or the Nizamut Adawlut, from specially appointing any competent individual of the Mahomedan

Mahomedan persuasion to officiate as Law Officer during the Sessions of any Zillah or City, whenever such arrangement may, from the absence of the proper Law Officer or other cause, appear desirable or necessary, though such individual may not be regularly attached to any of the Courts of Judicature in the capacity of Law Officer, nor be, at the time of such special nomination, holding any Public Office under Government; and it is accordingly declared that any trials at which a Law Officer specially appointed by Government, or by the Nizamut Adawlut, may have presided, whether such trials may have terminated in the acquittal of the Prisoners, or their punishment, either with or without reference to the Nizamut Adawlut, or have been postponed to another Session, shall be held, and are hereby declared to be, in every respect and to all intents and purposes, as good and valid as they would have been had the Futwas therein been delivered by the Mahomedan Law Officer attached to the Zillah Court at which such trials were held.

Further provision in cases of emergency.

III. Provided further, that whenever from the absence of the proper Law Officer, or other emergency, the services of an Officiating Law Officer may be necessary to carry on the duties of the Sessions, and there may not be sufficient time, without inconvenience, to make a previous reference on the subject to the Nizamut Adawlut, it shall be competent to the Commissioner of Circuit to employ a duly qualified individual of the Mahomedan persuasion to Officiate as Law Officer; a special report of such temporary arrangement being immediately made in each instance for the information and orders of the Nizamut Adawlut.

A. D. 1830. REGULATION V.

A REGULATION *for amending the provisions of Regulation VI. 1823, and for providing more effectually for enforcing the execution of Contracts relating to the cultivation and delivery of Indigo Plant:—Passed by the Governor General in Council on the 9th June* 1830, *corresponding with the 28th Jeyte* 1237 *Bengal Era; the 3d Assar* 1237 *Fusly; the 29th Jeyte* 1237 *Willaity; the 3d Assar* 1887 *Sumbut; and the 17th Zehijja* 1245 *Higeree.*

PREAMBLE.

WHEREAS the rules contained in Regulation VI. 1823, [extended to the Provinces of Orissa, Behar and Benares, and to the Ceded and Conquered Provinces by Regulation V. 1824] for enforcing the execution of Contracts relating to the cultivation and delivery of Indigo Plant, have been found in a great measure ineffectual; and whereas it is deemed just and proper to extend the Penalties prescribed by Section V. Regulation VII. 1819, to Contracts for the cultivation of Indigo Plant; and to provide for the punishment of persons convicted of damaging Indigo Crops; and whereas it is desirable in certain cases to afford

afford persons, who may be unwilling to renew their Contracts for the cultivation of Indigo, the means of obtaining by summary process a release from their engagements; the following Rules have been enacted to be in force from the date of their promulgation throughout the Territories subject to the Presidency of Fort William.

Persons instigating and inducing Ryots to evade the performance of their engagements may be prosecuted for the penalty specified in such engagements.

II. In addition to the Rule prescribed in Clause Third, Section V. Regulation VI. 1823, it is hereby declared, that in cases in which a Ryot, who shall have voluntarily executed a deed of engagement stipulating to cultivate Indigo Plant, on a specified portion of land, and to deliver the produce of such land to one individual, shall have been instigated and induced by another person to evade the performance of its conditions, it shall be competent to the party injured thereby to prosecute such person for his undue interference, as well as the defaulting Ryot, on proof of which, to the satisfaction of the Court trying the case, the said person and the Ryot shall be jointly and severally held answerable for the full amount of the penalty specified in the original agreement of the Ryot, together with all costs and expenses of the suit.

Rescinded so far as relates to the instigation by Act XVI of 1835.

Persons Contracting for the cultivation of Indigo Plant, who shall wilfully neglect or refuse to sow or cultivate the ground specified in their engagement, shall be deemed guilty of a misdemeanor, and liable to punishment.

III. It is hereby further provided that all persons who may have received advances and have entered into written agreements for the cultivation of Indigo Plant in the manner indicated in Regulation VI. 1823, and who without good and sufficient cause shall wilfully neglect, or refuse, to sow or cultivate the ground specified in such agreements, shall be deemed guilty of a misdemeanor, and on conviction before a Magistrate

Rescd by Act XVI of 1835.

or

or Joint Magistrate, shall be liable to a sentence of imprisonment not exceeding One Month. The Magistrate or Joint Magistrate may likewise require the persons so convicted to sow or cultivate the ground specified, if it shall appear just and proper to require the same, and any subsequent convictions of wilful neglect or refusal to comply with such requisition, shall be punishable with a further sentence of imprisonment not exceeding Two Months.

Persons damaging Indigo Plant how to be proceeded against and punished.

IV. Persons wilfully damaging or causing to be damaged, Indigo Plant, by allowing Cattle to trespass thereon, or by any other means, shall, on the complaint of the Ryot to whom the crop may belong, or of the Manufacturer by whom advances may have been made for the cultivation and delivery of the said Plant, be liable, on proof of the offence, to such punishment by fine and imprisonment as the Magistrate is competent to inflict under Section XIX. Regulation IX. 1807, due regard being had to the nature of the case, and the circumstances in life of the offender.

Persons wishing to be released from their engagements to petition the Judge in certain cases.

V. *First.* Any person who, having received advances under a written agreement for the cultivation of Indigo, shall be desirous on the expiration of the period of his contract to settle his account, shall be at liberty, in the event of the proprietor of the factory, or the person acting in his behalf refusing to settle the same, to present a petition to the Zillah Court,

The Judge to hold a summary enquiry.

and the Judge, after a summary enquiry in the presence of the parties or their authorized agents into the merits of the case, shall, on proof of the expiration of the contract, and of there being

being no balance due from the petitioner, or if the petitioner shall deposit in Court the amount of any balance that may be adjudged to be due from him, grant the said petitioner a release from his engagement, and shall pay over the amount of any balance that may be deposited by him to the proprietor, or to the person acting in his behalf.

If no balance be due from the petitioner, or the balance be deposited in Court, the Judge to grant a release and pay the balance to the Proprietor of the Factory.

Second. If the Proprietor or person aforesaid shall refuse to receive the balance awarded to him by the summary process above provided, the Judge shall return the amount to the petitioner, leaving the defendant to seek his remedy by a regular suit.

The Judge how to proceed, if the Proprietor objects to receive the balance.

A. D. 1830. REGULATION VI.

A REGULATION *for modifying the provisions of the Regulations now in force relating to the Subsistence Allowance to Debtors confined in the Civil Jails in execution of Decrees:—Passed by the Governor General in Council on the 12th August* 1830, *corresponding with the 29th Sawun* 1237 *Bengal Era; the 8th Sawun* 1237 *Fusly; the 30th Sawun* 1237 *Willaity; the 9th Sawun* 1887 *Sumbut; and the 22d Suffer* 1246 *Higeree.*

PREAMBLE.

IT being deemed expedient to provide more effectually for the Subsistence of Debtors confined in Jail in execution of Decrees or other Civil Process, under Section VIII. Regulation IV. of 1793, and other provisions of Regulations in force, the following Rules are hereby enacted to be in force from the date of their promulgation throughout the Territories subject to the Presidency of Fort William.

Part of Section VIII. Regulation IV. 1793, extended to Benares by Section II. Regulation VIII. 1795, and re-enacted for Ceded Provinces by Section X. Regulation III. 1803, and other Provinces, modified.

II. In modification of such part of Section VIII. Regulation IV. 1793, extended to Benares by Section II. Regulation VIII. 1795, and re-enacted for the Ceded Provinces by Section X. Regulation III. 1803, or of any other Regulation in force, relating

relating to the Subsistence Allowance to be paid to persons confined in execution of Decrees or other Civil Process, it is

Previously to the issue of process of arrest of a Debtor in satisfaction of a Decree, a sum for the Subsistence of the Debtor for thirty days must be deposited.

hereby declared, that no process of arrest shall hereafter issue from a Civil Court, unless the party applying for the same and entitled thereto, shall deposit in Court (independent of the charge for executing the process) a sum sufficient to provide for the Subsistence of the Individual against whom the process may issue, for a period of thirty days, from the date of his commitment to Jail, in execution thereof. On the expiration of thirty days after such commitment, a further deposit shall be made in advance for the next ensuing thirty days, and so on, till the Defendant's discharge. The amount of deposit shall be fixed by the Judge at the time of issuing the process of arrest—Subject to future revision on sufficient grounds shewn, and shall be regulated according to the Rules heretofore in force—that is, the Allowance is not to exceed Four Annas, nor to be less than One Anna per diem, consideration being had to the rank and situation in life of the Defendant, and the circumstances of the Plaintiff. Provided however, that if any special circumstances should exist for increasing the rate beyond Four Annas, it shall be competent to the Sudder Dewanny Adawlut, on a report from the Judge, or other sufficient information before them, to order such increase as may appear to that Court, to be just and proper, not exceeding in any instance One Rupee per diem.

On the expiration of thirty days, after the commitment of the Debtor to Jail, a further deposit of thirty days shall be made.

The amount of deposit to be fixed by the Judge, not less than One, or more than Four Annas per diem.

Except under special circumstances.

Deposit to whom to be paid.

III. The Allowance required under the foregoing Rules, is to be made payable as heretofore to the Nazir of the Court, who is to give monthly receipts for it to the Plaintiff, dated on the day on which the money may be paid. If the Plaintiff

In default of the payment of the deposit on or before the day

shall

shall neglect or refuse to pay the prescribed Allowance on or before the day on which it may become due, the Nazir is immediately to report the same in writing, under his signature, to the Judge, who is forthwith to order the Defendant's discharge, and such Defendant shall not again be liable to personal arrest and confinement on the same matter, at the instance of the same party, unless it be proved to the satisfaction of the Court, that he has been guilty of dishonest conduct in the fraudulent concealment, or transfer, of any property that would otherwise have been available for the satisfaction of the Decree or other demand on account of which he may have been originally confined.

on which it may become due, the Debtor shall be released.

Debtor released in default of payment of deposit, not liable to a second arrest on the same matter and at the instance of the same party—

Except in certain cases provided.

IV. It is hereby explained, that the provisions of this Regulation are to be held applicable to all persons at present in confinement in execution of Civil process, so far as relates to the deposit to be made in future by the parties at whose instance they may be confined, and to their immediate discharge on failure to make such deposit by the date on which it may become due.

Provisions of this Regulation declared applicable to Debtors now in Jail.

V. In the event of any future alterations becoming necessary in the Rules relating to the Subsistence Allowance of Debtors confined in the Civil Jails, it shall be competent to the Court of Sudder Dewanny Adawlut to direct the same, subject to the approval of the Governor General in Council, without the necessity of a new Regulation being passed for that purpose.

Any future alterations in the Rules regarding the Allowance to Debtors in Jail to be made by the Sudder Dewanny Adawlut, subject to the approval of Government.

Repealed by Act XII of 1841.

A. D. 1830. REGULATION VII.

A REGULATION *for modifying the existing Rules, regarding the Public Sale of permanently Assessed Lands for the recovery of Arrears of Revenue, and for the levy of interest and penalty on such Arrears:* —*Passed by the Governor General in Council on the 7th September* 1830, *corresponding with the 23d Bhadoon* 1237 *Bengal Era; the 5th Assin* 1238 *Fusly; the 24th Bhadoon* 1238 *Willaity; the 5th Assin* 1887 *Sumbut, and the* 18*th Rubee-ul-uwal* 1246 *Higeree.*

PREAMBLE.

THE Provisions of Regulation XI. 1822, and other Regulations in force, which relate to the public sale of permanently Assessed Estates for the recovery of Arrears of Revenue, having been found in some respects to require modification, and the existing Rules, which relate to the levy of interest and penalty on such Arrears having also been found defective; the following Rules are passed, to dispense with the second condition of the validity of a public sale for the recovery of Arrears of Revenue specified in Section V.-to supersede Section VI. and Clauses First and Third, Section VII. and Clause First, Section XXI. Regulation XI. 1822, to rescind certain Rules and Regulations now in force in respect to the levy of interest and penalty

penalty on Arrears of Public Revenue, and to be in force from the date of their publication throughout the Provinces of Bengal, Behar, Benares and Orissa; the revised Rules to apply to those Estates only, for which a permanent settlement of the Government Revenue has been, or shall hereafter be concluded.

Certain parts of the existing Regulations rescinded.

II. *First.* Section VII. Regulation XIV. 1793, Section XII. Clause Fifth, Section XVII. Regulation VI. 1795, such parts of Section XXIII. Regulation VII. 1799, as relate to the levy of interest on Arrears of Public Revenue due from defaulting Zemindars, Farmers or others, and of Section II. Regulation I. 1801, as relate to the levy of interest and penalty on the same, Clauses Second and Third, Section XXVIII. Regulation V. 1812, and Regulation XII. 1824, are hereby rescinded.

Rules rescinded or modified by the said Rules, still to be repealed or modified as heretofore.

Second. The several Rules and Enactments rescinded or modified by the Provisions above recited, or any of them, shall be and continue repealed or modified as heretofore.

Transmission of Sale Advertisements dispensed with.

III. The transmission of Sale Advertisements by the Collector, for the previous sanction of the local Commissioner of Revenue shall, for the future, be dispensed with.

Collectors may proceed to Sale without sanction, but Sale not final until after confirmation.

IV. Collectors shall in future be at liberty to Advertise Estates in Balance for Sale, and proceed to actual Sale without any previous reference for the sanction of the local Commissioner, provided always that no Sale shall be final, until confirmed by the local Commissioner, or in cases of appeal by the Sudder Board of Revenue.

V.

V. A general Advertisement shall be published not less than thirty days prior to the day of Sale, in some conspicuous part of the Collector's Cutcherry, or place of Office for the time being, and a copy shall be sent to the Judge or other person in charge of the Adawlut of the District, in which the Lands or some part of them may happen to lie; who shall, on receipt of it, cause it to be similarly exposed in open Court for general information. The notice prescribed by Clause Second, Section VII. Regulation XI. 1822, shall be sent by a single Peon to be published in the Cutcherry of the Moonsiff, or the Police Thannah of the Division, in which the Lands Advertised, or some part of them may be situated; and the Peon having caused the notice to be promulgated as fully and openly as possible in the manner above directed, shall take a receipt from the Officer at whose Station the publication may have been made.

Notice of Sale prescribed by Clause Second, Section VII. Regulation XI. 1822, how to be issued and published.

VI. All Estates in balance, saving cases specially excepted by order of a Commissioner, or of the Sudder Board, shall, by an invariable Rule, be Advertised for Sale at the expiration of one month, from the date of the Arrear becoming due, and the Sale shall, in like manner, take place one month after the date of the Advertisement: the Collector having power, as now, to postpone the Sale of any particular Estate, from time to time, as circumstances may require.

Estates to be invariably advertised at the expiration of one month from date of Arrear, and Sale to take place in one month from the date of Advertisement, unless postponed by the Collector.

VII. *First.* In modification of the Rule contained in Clause First, Section XXI. of the above Regulation, which requires that the whole amount of the purchase money bid for Estates sold for the recovery of Arrears of Revenue, shall be made good

Local Commissioners of Revenue, with the concurrence of the authority to which they are subordinate, may prescribe the conditions of making good the purchase money—failing which the Sales to be annulled, and the amount paid forfeited.

good by the tenth day after the Sale has taken place, it is hereby enacted, that the local Commissioners of Revenue, with the concurrence of the authority to which they may be immediately subordinate, shall be competent to prescribe the conditions, in regard to the time and mode of making good the purchase money under which Public Sales shall be hereafter made, and any failure in the fulfilment of the conditions so prescribed on the part of Purchasers, shall render the Sales liable to annulment, and the amount paid to forfeiture.

Sales by decree of Court subject to the same Rule.

Second. This Rule shall be applicable also to Sales made in satisfaction of decrees of Court.

Interest and penalty to be consolidated at the rate of Twenty-five per Cent per Annum.

VIII. In lieu of the Rules in the existing Regulations, relative to the levy of penalty and interest, the following Rule is hereby enacted:—Penalty and interest shall, in future, be consolidated into one demand, to be denominated, "Consolidated penalty and interest," and defaulters generally shall be subjected to such demand at the rate of Twenty-five per Cent per Annum on the Arrear of Revenue due, from the period on which the instalment may become payable, until the date on which the Arrear may be discharged. Nor shall it be competent to the Collectors to remit the consolidated demand of penalty and interest, or to reduce its amount below the rate now fixed, except by the special authority of the local Commissioner or the Sudder Board, on sufficient cause being shewn, either by the defaulter or otherwise, and it shall be competent to the Governor General in Council, by an Order in Council, to direct the account of the consolidated penalty and interest to be adjusted weekly,

And invariably to be levied at that rate by the Collectors, unless remitted or reduced by the local Commissioner or Sudder Board.

Mode of keeping the accounts to be determined by an Order in Council.

or at such periods as may be found most convenient, provided that the rate chargeable on account of any week shall not exceed One Pie on the Rupee, or on average Twenty-five per Cent per Annum.

A. D. 1830. REGULATION VIII.

A REGULATION *for modifying the existing Rules relative to the inquiry by Magistrates and Joint Magistrates into charges of a Criminal nature.— Passed by the Governor General in Council on the* 12*th October* 1830, *corresponding with the* 27*th Assin* 1237 *Bengal Era; the* 10*th Cautick* 1238 *Fusly; the* 28*th Assin* 1238 *Willaity; the* 11*th Cautick* 1887 *Sumbut; and the* 24*th Rubee-us-Sance* 1246 *Higeree.*

PREAMBLE. WHEREAS there is reason to believe that owing to the exparte investigations prescribed by the Regulations previous to the commitment of persons charged with crimes for trial before the Court of Circuit, many individuals have been exposed to the hardships of imprisonment and of a public trial, who, had they been permitted to adduce evidence to their exculpation, might have immediately established their innocence, the following Rules have been enacted to be in force from the date of their promulgation throughout the Territories subject to the Presidency of Fort William.

Magistrates empowered to examine witnesses for the defence as well as for the prosecution in inquiries into charges of a Criminal nature.

II. *First.* In modification of the Rule laid down in that part of Section V. Regulation IX. 1793, or of any other Regulation in force, which directs that the Magistrate shall inquire into

into the circumstances of the charge, and examine the Prisoner and the Complainant, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the Prisoner, it is hereby provided that the Magistrates and Joint Magistrates shall in all cases make full inquiry into every circumstance likely to lead to the ascertainment of the truth, and shall be competent to exercise their discretion in taking evidence on behalf of the person accused, with the view to afford him an opportunity of establishing his innocence, before proceeding to commit him to take his trial before the Court of Circuit.

Magistrate empowered to release without committal persons charged with crimes, if after hearing evidence *pro* and *con* he do not see reasonable probability of conviction by the Court of Circuit.

Second. In modification of the rule laid down in the same Section, which directs that if it shall appear to the Magistrate that the crime or misdemeanor was actually committed, and that there are grounds for suspecting the Prisoner to have been concerned in the perpetration of it, the Magistrate shall cause him to be committed to prison or held to bail to take his trial at the next Session of the Court of Circuit, it is hereby provided that the Magistrates and Joint Magistrates shall be competent of their own authority, notwithstanding the existence of grounds of suspicion, to release any person or persons charged before them with any crime or misdemeanor, whenever from the whole of the evidence adduced in support of the charge and that adduced on behalf of the party charged there may not appear to the Magistrate or Joint Magistrate, making the investigation, to be a reasonable probability of conviction under a committal for trial before the Court of Circuit.

TITLES

OF THE

REGULATIONS

PASSED IN THE YEAR

1831.

REGULATION I.

A REGULATION *for rescinding Clause Second, Section III. Regulation XVI.* 1825.—*Passed by the Vice President in Council on the* 8*th February,* 1831.

REGULATION II.

A REGULATION *to remove doubts regarding the legality of certain Criminal Trials.—Passed by the Vice President in Council on the* 31*st May,* 1831.

REGULATION III.

REGULATION III.

A REGULATION *for legalizing the circulation of Copper Half Anna and Single Pie Pieces.—Passed by the Vice President in Council on the* 18*th October*, 1831.

REGULATION IV.

A REGULATION *for amending Section XI. Regulation V.* 1830, *of Prince of Wales' Island, Singapore and Malacca.—Passed by the Vice President in Council on the* 18*th October*, 1831.

REGULATION V.

A REGULATION *for extending the Powers of Moonsiffs and Sudder Ameens in the Trial of Civil Suits; and for authorizing the Appointment of Principal Sudder Ameens at the Zillah and City Stations; for modifying the powers and duties of the Zillah, City and Provincial Courts in connection with those arrangements; and for enlarging the sphere of selection with regard to the Offices of Moonsiffs and Vakeel.—Passed by the Vice President in Council on the* 1*st November*, 1831.

REGULATION VI.

A REGULATION *for the Appointment of one or more Judges to be ordinarily stationed at Allahabad, for the purpose of exercising the powers and authority of the Sudder Dewanny and Nizamut Adawlut within the Province of Benares, the Ceded and Conquered Provinces, including the Districts of Meerut,*

Meerut, Saharunpore, Moozuffernugger and Bolundshchur, which are now subject to the Chief Commissioner at Delhi; and the powers and authority of the Nizamut Adawlut in the Province of Kumaoon and the Saugor and Nerbudda Territories.—Passed by the Vice President in Council on the 1*st November,* 1831.

REGULATION VII.

A REGULATION *for enabling the Governor General in Council to afford relief to the Commissioners of Circuit, by vesting the Zillah and City Judges, not being Magistrates, with powers to hold Monthly Jail Deliveries within their respective Jurisdictions, (whenever that measure may be deemed advisable) and for defining the powers and duties of the Judges, or other Officers, not being in charge of the Office of Commissioner, who may be appointed to hold any Jail Delivery, while so employed. —Passed by the Vice President in Council on the* 1*st November,* 1831.

REGULATION VIII.

A REGULATION *for amending the existing provisions relative to the Trial of Summary Suits and Claims for arrears or exactions of Rent.—Passed by the Vice President in Council on the* 1*st November,* 1831.

REGULATION IX.

A REGULATION *for the more speedy and efficient Administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut.*

Adawlut.—Passed by the Vice President in Council on the 1*st November*, 1831.

REGULATION X.

A REGULATION *for vesting in a Deputation from the Sudder Board of Revenue, to be ordinarily stationed at Allahabad, the exclusive controul over the Revenue Affairs of the Province of Benares, the Ceded and Conquered Provinces, including the Districts of Meerut, Saharunpore, Moozuffernugger and Bolundshehur, which are now subject to the Chief Commissioner at Dehli, the Province of Kumaoon, and the Saugor and Nerbudda Territories.—Passed by the Vice President in Council on the* 1*st November*, 1831.

REGULATION XI.

A REGULATION *for vesting Tehsildars in certain cases with the Powers of Police Officers.—Passed by the Vice President in Council on the* 1*st November*, 1831.

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REGULATIONS

OF

1831.

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Plaint in regular suit for arrears of Revenue, if cognizable as summary suit, may be preferred on paper of one-fourth of the prescribed value, ...		VIII.
Collectors competent to reject a summary suit by Persian order on the back of the petition, and Judicial Authorities authorized to receive such petitions as a plaint in a regular suit, ...		IX.
Collector's Jurisdiction restricted in enforceing Rents paid during past years to the exclusion of claims to increase, except on bona fide written engagement, ...		X.
Moonsiffs appointed under Regulation V. 1831 declared competent to award damages in cases of illegal distraint or attachment, ...		XI.
Property distrained to be released from distraint on paying a part of the demand and giving security to contest remainder,		XII.
Collectors authorized, with permission of Commissioner of Revenue, to refer summary suits for adjustment to Tehsildars, who are to be guided by rules applicable to Collectors,		XIII.

Rules

	Regulation.	Section.
Rules in cases when two or more suits are instituted regarding the same matter, ...	VIII.	XIV.
Collectors to suspend proceedings and forward the record to the Judge on ascertaining that in any matter pending before them, under this Regulation, a regular suit has been previously filed, ...		XV.
All cases relating to same matter to be brought before one Tribunal if possible, ...		XVI.
In Appeal, Record of all cases in the same matter to be produced and read, and the decision in Appeal to apply equally to all, ...		XVII.
In furnishing periodical reports under this Regulation, Collectors to be guided by the instructions of the Revenue Commissioners and the Sudder Board, ...		XVIII.
Rules of former Regulations for Awards, &c. made applicable to Collectors under this Regulation, ...		XIX. XX.
Assistants to Collectors not competent to decide suits under this Regulation, unless specially empowered, ...		XXI.
SUDDER DEWANNY AND NIZAMUT ADAWLUT.		
Single Judges of the Sudder Dewanny Adawlut competent to hold sittings of Court, and to pass orders or judgment, and to confirm decisions in appeal when no sufficient ground is shown to impugn the decision appealed against, or to issue an injunction for a revision of the decision, pointing out defects, ...	IX.	II.
Discretion vested in single Judges to call for proceedings of Lower Courts, or parts of them as may seem advisable.		
A single Judge may admit a special appeal of his own authority, and stay execution of judgment or order, until final decision.		
In cases of difficulty, &c. a single Judge may refer the case to two or more Judges, first recording his own opinion.		
Subordinate Courts must record, point at issue and grounds of their judgment.		
Cases of a miscellaneous nature not cognizable by the Nizamut Adawlut, ...		III.
Rules relative to separate sittings before single Judges of Nizamut Adawlut, modified, ...		IV.
In cases in which Commissioners of Circuit may differ from Law Officer, Nizamut Adawlut to revise only so much of the proceedings as relate to the Prisoner or Prisoners.		
Duties of Commissioners of Circuit in such cases, a single Judge concurring with Commissioner, may pass final sentence, except for capital punishment whatever may be the		

	Regulation.	Section.
Futwa of the Law Officer, but cannot convict and punish against the opinion of the Commissioner if the latter is for acquittal.		
Rule contained in Section II. of this Regulation is applicable to a single Judge of Nizamut Adawlut.		
Nizamut Adawlut competent to mitigate sentence without calling for proceeding in certain cases, and to annul sentence and order a new sentence according to Law, ...	IX.	V.
Powers thus vested in single Judges to extend to all cases depending on the date of promulgation of this Regulation, ...		VI.
Pleaders authorized to settle with their constituents for compensation in certain cases which is to be specified in their Vakalutnamah, and in no case to exceed one-fourth the amount of Fee of a regular Suit—The Court may reduce compensation, the issue of any process for realization of Pleader's Fees is unnecessary, ...		VII.
Rules regarding transmission of records in cases of appeal modified, ...		VIII.
Calcutta Sudder Courts in cases requiring a majority, to refer the question to Judges of Western Courts, ...		IX.
All Provisions in this Regulation to apply to Sudder Court in Western Provinces, ...		X.
SUDDER BOARD OF REVENUE.		
Governor General in Council may depute one or more Members of the Board to be stationed at Allahabad, and to exercise exclusive controul and direction over the Revenue affairs of tracts hereinafter mentioned, ...	X.	III.
Resident at Dehli not to possess powers of Sudder Board, ...		IV.
Jurisdiction of Sudder Board on Deputation defined, ...		V.
The interference and controul of Sudder Board at Calcutta, and Resident of Delhi over the Tracts specified in the preceding Section, to cease on promulgation of this Regulation,		VI.
Revenue Duties at Kumaon and Saugor and Nerbudda Territories, to be conducted according to rules and principles of the Regulations, ...		VII.
All the powers and authority vested in Sudder Board of the Presidency to belong to the Members of that Board on Deputation, ...		VIII.
Rule for proceeding in cases requiring a concurrence of two voices, ...		IX.
Rule applicable also to Sudder Board at the Presidency, ..		X.
Governor General in Council may authorize a single Member of either Board to exercise individually all the powers and authority vested in the Boards collectively—and may fix the station of the Deputation Board at such place as may from time to time be deemed expedient, ...		XI.
TEHSILDARS.		

	Regulation.	Section.
TEHSILDARS.		
Governor General in Council competent to authorize any Tehsildar to exercise powers of Darogah of Police, and the Thanah and Village Police Establishment to be subordinate to his controul as Chief Police Thanadar, ...	XI.	II.
In such arrangement the Darogah of such place to be styled *Naib Darogah*, ...		III.
Darogah and Tehsildar under Magistrate's sanction may make such disposition of Police Establishment as is conducive to the public interests, ...		IV.
Tehsildars vested with powers of Darogahs may employ in aid of their Police Establishment, any Chupprassie or other person on their fixed Tehsildary Establishment, ...		V.
A statement to be drawn out and proclaimed in the District when the arrangement authorized by this Regulation may be carried into effect, ...		VI.
Magistrates and Collectors to report to Government any reductions which can be effected in the Police Establishment in their Districts, and on the occurrence of any vacancy in the Office of Naib Darogah, the appointment not to be filled up, ...		VII.
The appointment and removal of Police Officers to rest with the Magistrates, subject to the orders of the Commissioner of Circuit, &c. whose decision is final, unless specially reversed by the Governor General in Council, ...		VIII.

A. D. 1831. REGULATION I.

A REGULATION *for rescinding Clause Second, Section III. Regulation XVI.* 1825.—*Passed by the Vice President in Council on the 8th February,* 1831, *corresponding with the 27th Maug* 1237 *Bengal Era; the* 11*th Phaugun* 1238 *Fusly; the 28th Maug* 1238 *Willaity; the* 11*th Phaugun* 1887 *Sumbut; and the 24th Shaban* 1246 *Higeree.*

PREAMBLE. WHEREAS it is deemed expedient to rescind the Rule contained in Clause Second, Section III. Regulation XVI. 1825, which declares that the Courts of Circuit, in certain cases of robbery by open violence, shall not be competent to pass Sentence on conviction for a less punishment than Fourteen Years imprisonment in banishment, the Vice President in Council has passed the following Rule to be in force as soon as promulgated throughout the Provinces under this Presidency.

Clause Second, Section III. Regulation XVI. 1825, rescinded. II. Clause Second, Section III. Regulation XVI. 1825, is hereby rescinded.

A. D. 1831. REGULATION II.

A REGULATION *to remove doubts regarding the legality of certain Criminal Trials.—Passed by the Vice President in Council on the 31st May* 1831, *corresponding with the* 19*th Jeyte* 1238 *Bengal Era; the 5th Jeyte* 1238 *Fusly; the 20th Jeyte* 1238 *Willaity; the 5th Jeyte* 1888 *Sumbut, and the* 18*th Zehejja* 1246 *Higeree.*

WHEREAS frequent instances have occurred of commitments made by Joint Magistrates having been tried by the Commissioners of Circuit at the Sudder Station of the District, without the authority of Government or the Nizamut Adawlut, as required by Regulation VIII. 1822, and Clause Third, Section III. Regulation I. 1829; and whereas it is necessary to remove all doubts in regard to the legality of such Trials, and the sentences passed thereon, as well as to provide for a due observance of the rules prescribed in the above Regulations in future, the following rules have been enacted to be in force, as soon as promulgated, throughout the Provinces dependant on the Presidency of Fort William. PREAMBLE.

II. All

Certain Trials held illegally, are hereby legalized.

II. All the Trials adverted to in the Preamble of this Regulation, whether they may have terminated in the acquittal of the Prisoners, or their punishment, without reference to the Nizamut Adawlut, or on a reference of the case to the Nizamut Adawlut, or in a postponement of the Trial to another Session, shall be held, and are hereby declared, to be in every respect, and to all intents and purposes, as good and valid Trials as they would have been, had they been held in established course, as required by Regulation VIII. 1822, and Clause Third, Section III. Regulation I. 1829.

Commissioner of Circuit how to proceed on receiving authority to hold Jail Delivery for the Jurisdiction of a Joint Magistrate at any other Station than that of the Joint Magistrate.

III. *First.* Whenever a Commissioner of Circuit shall have received authority either from Government or the Nizamut Adawlut to hold the Trial of any commitments made by a Joint Magistrate, at any other than the Station of such Joint Magistrate, he shall transmit to that Officer an authenticated copy of the Letter containing such authority, with the necessary instructions for his guidance—and all Joint Magistrates are hereby strictly prohibited from removing any Prisoners under commitment for Trial, or the proceedings relating thereto, until they have been furnished with a copy of the authority aforesaid.

Joint Magistrate prohibited from removing Prisoners for Trial, or proceedings relating thereto, until furnished with copy of such authority.

Commissioners of Circuit to file a copy of the authority with the Record of each Trial.

Second. The Commissioners of Circuit are also hereby required in the cases above adverted to, as well as in all cases in which they may have been specially authorized to hold a Trial out of the ordinary course prescribed by the Regulations, to record on the Proceedings of such Trial, an authenticated copy of the authority under which the same may have been held.

IV. In

IV. In explanation of the Third Clause of Section III. Regulation I. of 1829, it is hereby declared that it shall be competent to the Governor General in Council to direct the Sessions for any Joint Magistracy, to be held generally at any Station within the Jurisdiction of the Commissioner of Circuit to whom the Joint Magistrate is subordinate, so long as the orders to that effect may remain unrescinded.

Governor General in Council may authorise Jail Deliveries of Joint Magistracies to be held generally at any Station within the Division, so long as the order to that effect be unrescinded.

A. D. 1831. REGULATION III.

A REGULATION *for legalizing the circulation of Copper Half Ana and Single Pie Pieces.—Passed by the Vice President in Council on the* 18*th October* 1831, *corresponding with the 3d Cartick* 1238 *Bengal Era; the 27th Assin* 1239 *Fusly; the 4th Cartick* 1239 *Willaity; the* 12*th Assin* 1888 *Sumbut; and the* 11*th Jumadee-ul-uwal* 1247 *Higeree.*

WHEREAS great Public convenience is expected from the circulation of Copper Coins of various denominations, in addition to the Copper Currency now in use, it is hereby enacted— PREAMBLE.

II. That besides the Copper Pice now current, which shall remain unchanged, there shall be coined One Copper Half Ana Piece, and One Copper Pie, or One-twelfth of an Ana. One Copper Half Ana piece, and One Copper Pie to be coined.

III. The Copper Half Ana Piece shall weigh twice the weight of the present Pice, or 200 Grains Troy; and shall bear The Copper Half Ana Piece to be of a certain weight, and to bear on each face a distinctive Legend. Its value to be One for Two Pice.

bear on one face the Legend Half Ana in Persian and Nagari, and on the other the same in English and Bengalee. The Exchangeable value of this Coin shall be Two for One Ana, or One for Two Pice.

The Copper Pie to be of a certain weight, and to bear on each face a distinctive Legend. The value to be Twelve for One Ana or Three for One Pice.

IV. The Twelfth of an Ana Piece, or One Pie, shall weigh Troy Grains 33·333, and shall bear on one face the Legend One Pie in Persian and Nagari, and the same on the other in English and Bengalee. The Exchangeable value of this Coin shall be Twelve for One Ana, or Three for One Pice.

To be current in all the Provinces under the Bengal Presidency.

V. These Coins shall be current at the above rates in all the Provinces under the Bengal Presidency.

A. D. 1831. REGULATION IV.

A REGULATION *for amending Section XI. Regulation V.* 1830, *of Prince of Wales' Island, Singapore, and Malacca.—Passed by the Vice President in Council on the* 18*th October* 1831, *corresponding with the 3d Cartick* 1238 *Bengal Era; the 27th Assin* 1239 *Fusly; the 4th Cartick* 1239 *Willaity; the* 12*th Assin* 1888 *Sumbut; and the* 11*th Jumadee-ul-uwal* 1247 *Higeree.*

PREAMBLE.

WHEREAS for the better security of the Revenue derived from the sale of the exclusive privilege of retailing Spirituous Liquors within the Settlements of Singapore, Prince of Wales' Island, and Malacca, it has been found expedient to extend to American and other Spirituous Liquors, the Rule contained in Section XI. Regulation V. 1830, of the Penang Code, prohibiting the retail of Asiatic Spirituous Liquors in less quantity than therein specified without paying the prescribed Tax to the Renters, or Person or Persons duly licensed by Government; the following amended Rule, in lieu of Section XI. of that Regulation, has been passed by the Vice President in Council,

to

to have effect from the date of its promulgation within the Settlements of Singapore, Prince of Wales' Island, and Malacca.

II. Section XI. Regulation V. 1830, is hereby rescinded.

Wine or European Spirituous Liquors not to be sold in less quantities than three gallons, or one dozen quart bottles.

III. *First.* No person shall retail Wine or European Spirituous Liquors, of any kind or description, within the Settlements of Singapore, Prince of Wales' Island, and Malacca, in less quantities than three gallons, or one dozen of quart bottles, nor shall any person retail other Spirituous Liquors in less quantities than half a pipe, half a puncheon, or half a leaguer, or if in bottles in less quantities than six dozen quart bottles, without paying to the Renter, or Person or Persons duly licensed by Government, Fifty (50) Pice per gallon, or Fifty Pice for every four quart bottles.

Other Spirituous Liquors not to be retailed in less quantities than half a pipe, half a puncheon, or half a leaguer or six dozen quart bottles without paying the prescribed duty.

No Wine or Spirituous Liquors of any kind to be removed without a Pass or Permit. Wine or Spirituous Liquors of any kind sold by Auction, not to be removed until fees or dues are paid.

Second. No Wine or Spirituous Liquors, of any kind or description, shall be removed from any House or Godown to another without a Pass or Permit be first obtained from the Renter, or Person or Persons duly licensed by Government. If such Wine or Spirituous Liquors be sold by Public Auction, the Purchaser shall be allowed five days, after the day of Sale, to pay the Renter, or Person or Persons duly licensed by Government, his regular fees or dues thereon, before removing such Wine or Spirituous Liquors from the Godown of the Owner or Auctioneer thereof.

Penalty for breach of this Section.

Third. Any person violating the provisions of the preceding Clauses of this Section, shall, upon conviction thereof before

before two Magistrates, forfeit and pay Sicca Rupees One Hundred. And the Renter, or Person or Persons duly licensed by Government, is and are hereby authorized to seize and take such Liquor, and the same, when so seized, shall become the property of Government, to be disposed of in such manner as the Local Authorities may see fit.

Liquor when seized to become the property of Government.

A. D. 1831. REGULATION V.

A REGULATION *for extending the Powers of Moonsiffs and Sudder Ameens in the trial of Civil Suits; and for authorizing the Appointment of Principal Sudder Ameens at the Zillah and City Stations; for modifying the powers and duties of the Zillah, City, and Provincial Courts in connection with those arrangements; and for enlarging the sphere of selection with regard to the Offices of Moonsiffs and Vakeel.—Passed by the Vice President in Council on the* 1*st November* 1831, *corresponding with the* 17*th Cartick* 1238 *Bengal Era; the* 11*th Cartick* 1239 *Fusly; the* 18*th Cartick* 1239 *Willaity; the* 12*th Cartick* 1888 *Sumbut; and the 25th Jumadee-ul-uwal* 1247 *Higeree.*

WHEREAS the state of Civil business in the Zillah and City Courts renders it desirable on general grounds to employ respectable Natives in more important trusts connected with the administration of the Country; and whereas it is expedient that the PREAMBLE.

the provisions for this purpose should be gradually introduced into the Zillahs and Cities from time to time as the Governor General in Council, by an order in Council, may be pleased to direct; and whereas it has become necessary in connection with those arrangements to modify the powers and duties of the Zillah, City, and Provincial Courts; and whereas it has been deemed just and proper that no Native of India should be considered ineligible to the office of Moonsiff or Vakeel on account of his religious belief or persuasion, the following rules have been enacted to be in force from the date of their promulgation throughout the Territories subject to the Presidency of Fort William.

The Governor General in Council competent to extend the Provisions of this Regulation to any Zillah or City.

II. Whenever it shall appear expedient in the judgment of the Governor General in Council to extend the provisions of this Regulation to any Zillah or City, it shall be competent to the Governor General in Council, by an order in Council, to direct the same, and to fix the date from which the Regulation shall take effect, and notice thereof shall be published by Proclamation at the Cutcherries of the Moonsiffs, and at the Zillah or City Courts concerned, and shall likewise be communicated to the Court of Sudder Dewanny Adawlut, and to the Provincial Court of the Division to which such Zillah or City may belong.

Rules for the nomination of Moonsiffs.

III. In modification of the provisions contained in Sections VI. and VII. Regulation XXIII. 1814, and Section II. Regulation II. 1821, the Judges of the Zillah and City Courts, in conjunction with the Commissioner of Revenue and Circuit, shall revise the existing establishment of Moonsiffs in the Zillahs

Zillahs and Cities to which this Regulation may be extended, and the selection and number of those Officers shall be regulated in such manner as the Governor General in Council may be pleased to direct, the office being open to Natives of India of any class or religious persuasion.

IV. Clause First, Section XIII. Regulation XXIII. 1814, Section XII. Regulation XIX. 1817, and Clauses First and Second, Section III. Regulation II. 1821, are hereby rescinded. Clauses of Regulations rescinded.

V. *First.* Persons invested with the powers of Moonsiffs are hereby empowered to receive, try, and determine all suits of the following descriptions, provided the landed or other real property to which the suit may relate shall be situated, or provided, in all other cases, the cause of action shall have arisen, or the defendant, at the time when the suit may be commenced, shall reside as a fixed inhabitant, within the limits to which their respective jurisdictions may extend. Descriptions of suits cognizable by Moonsiffs.

Second. For money or other personal property not exceeding in amount or value the sum of three hundred Rupees, provided the claim include the whole amount of the demand arising from the cause of action, and be not for damages on account of alleged personal injuries, or for personal damages of whatever nature. Suits for personal property, to the value of 300 Rupees, cognizable by Moonsiffs.

Third. For the property or possession of land or other real property, with the exception of land held exempt from the payment of Revenue, the computed value of which shall not exceed three hundred Rupees. Suits for real property, to the value of 300 Rupees, cognizable by Moonsiffs.

Fourth. The

Moonsiffs prohibited from receiving and trying certain suits.

Fourth. The prohibitions contained in the Second Clause of Section XIII. Regulation XXIII. 1814, are hereby declared applicable to the suits abovementioned.

Particular provisions applicable to suits in *formâ pauperis.*

Fifth. Moonsiffs further prohibited from receiving any suits, which persons may be desirous to prefer before them in *formâ pauperis;* but it shall be competent for the Judge to refer for trial to the Moonsiffs, within his jurisdiction, any such suits which may have been instituted before him, and would otherwise have been cognizable by them whenever he may think proper so to do.

Rule for computing the period within which suits are cognizable, and the value of the property in litigation in the Moonsiff's Courts.

Sixth. The rules prescribed in the existing Regulations in regard to the period within which suits may be admitted in the Zillah and City Courts, as well as in regard to the mode of computing the value of the property in litigation, shall be held applicable to suits preferred to the Moonsiffs.

Local rules for Moonsiffs in Zillah Chittagong, rescinded.

VI. *First.* The local rules for Moonsiffs in Zillah Chittagong, contained in Sections LVII. LVIII. and LIX. Regulation XXIII. 1814, are rescinded; and the following Clauses of the Section last mentioned, are re-enacted for the observance of the Moonsiffs generally.

Provision for the due administration of the Mahomedan and Hindoo Civil Law in certain cases.

Second. In all cases of inheritance of, or succession to, landed property, the Mahomedan Laws with respect to Mahomedans, and the Hindoo Laws with regard to Hindoos, are to regulate the decision; and the Moonsiffs, in all such cases where doubts exist, are to obtain an exposition of the Law from the

Law

Law Officers of the Zillah Court, to whom they are to transmit a written abstract of the case for this purpose: such exposition however is not to preclude a further reference to the Law Officers of the Zillah Courts, upon such points of law as may arise upon the cause, in the event of its being tried in appeal. In causes in which the plaintiff is of a different religious persuasion from the defendant the decision is to be regulated by the law of the latter, provided that this rule is limited to cases in which the defendant is either a Mahomedan or Hindoo.

Third. In cases in which the above rules cannot be applied, the Moonsiffs are to act according to justice, equity, and good conscience.

In all other cases Moonsiffs to act according to justice, equity, and good conscience.

Fourth. In all suits concerning the succession or right of inheritance to a Zemindaree, Talook, Land, House, or other real property, the Moonsiffs are to affix in some conspicuous part of their Cutcherries and to publish in the village, in or near to which the property is situated, a written notification of the claim preferred, with a requisition to all persons who may have any claim to the property sued for, to prefer the same within a limited period; and they are not to pass a decree in such suits, when there are more claimants than one, who by the Hindoo or Mahomedan Law (respect being had to the religion of the claimants) would be entitled to a portion of the property, excepting the property be by the decree adjudged to all the claimants in the proportions to which they may be respectively entitled.

Rules to be observed in cases of succession to real property.

VII. All suits within the competency of a Moonsiff, to decide

Suits within the competency of the

Moonsiffs to be ordinarily instituted in their Courts. Proviso.

decide under the foregoing provisions, shall ordinarily be instituted in the Moonsiff's Courts. Provided nevertheless that it shall be competent to a Zillah or City Judge to receive such suits, and to try them himself, or to refer them for trial to any other Court subordinate to his authority, whenever he may see sufficient reason for so doing.

Provisions of existing Regulations, rescinded.

VIII. *First.* Section XVI. Regulation XXIII. 1814, and Clauses Third and Fourth, Section III. Regulation II. 1821, are rescinded.

Value of Stamp Paper on which the plaints shall be written.

Second. In suits instituted before the Moonsiffs under the foregoing rules, the plaint shall be written upon stamp paper agreeably to the rates specified in the Schedule B, referred to in Section XVII. Regulation X. 1829.

Suits to be tried and decided by Moonsiffs under rules heretofore in force.

Third. The provisions contained in the existing Regulations relative to the trial and decision of suits already cognizable by the Moonsiffs, are hereby declared to be equally applicable to suits which may be instituted before those Officers under this Regulation.

Modifications of rules regarding Stamp duties chargeable on law papers in the Courts of Moonsiffs.

IX. *First.* In order to equalize the stamp duties chargeable on law papers in the Courts of the Moonsiffs, the rules and exemptions specified in Nos. 2, 4, 5, and 9, in Schedule B, referred to in Section XVII. Regulation X. 1829, are hereby modified as follows.

Stamp paper not requisite for certain documents.

Second. In all suits tried in the Courts of the Moonsiffs, the

the pleadings, the applications of parties for the filing of exhibits, as well as for the attendance of witnesses, and the copies of decrees, need not be written on Stamp Paper.

Third. Section II. Regulation III. 1817, is hereby rescinded; and the exemptions contained in the foregoing Clause shall not be held applicable to any original suits or appeals of whatever amount which may be instituted in the Zillah or City Courts, subsequently to the date fixed for the operation of this Regulation, whether those suits be tried by the Zillah or City Judges, or be referred by them for trial to the Sudder Ameens or Registers.

Section II. Regulation III. 1817, rescinded.

X. The Moonsiffs shall accompany the Monthly Reports required from them by Section XLIII. Regulation XXIII. 1814, with a statement of the suits instituted before them in the preceding month.

Moonsiffs to furnish monthly statements of suits.

XI. All applications for the execution of decrees passed by the Moonsiffs, may at the option of the party, be made in the first instance to the Moonsiff, who on the receipt of such application, is authorized and required to forward the same to the Judge, with an endorsement, noting the names of the parties, an abstract of the decision, the date of the decree, and the date on which a copy of the decree had been given or tendered to the parties; on the receipt of the information furnished as above required, the Judge shall be competent to direct the Moonsiff to enforce the decree, if for money, and to attach moveable property if necessary for this purpose, as well as to give possession of

Rules regarding the execution of decrees passed by Moonsiffs.

of all other property not being land paying revenue to Government. It shall be nevertheless competent to the Judge, should he deem it preferable to enforce the decree by means of his own Officers, or to employ any of the Sudder Ameens, attached to his Court in the execution of this duty; notice at the same time being given through the Moonsiff to the party applying for the execution of the decree.

Moonsiffs henceforward not to be paid by fees.

XII. *First.* Such parts of Regulation XXIII. 1814, and of Regulation II. 1821, or of any other Regulations in force as authorize Moonsiffs to receive, as a compensation for their trouble in the trial of suits, the amount of the institution fee, or stamp duty substituted for such fee, are rescinded; and shall have no operation in the Zillah or City to which this Regulation may be extended from the date on which it may be directed to have effect in such Zillah or City.

Their monthly allowances will be fixed by the Governor General in Council.

Second. From the date on which this Regulation shall be directed to take effect in any Zillah or City, the Moonsiffs shall, in lieu of the fees and compensation above mentioned, receive from Government such monthly allowances as may be fixed by the order of the Governor General in Council.

Rules regarding the nomination of Sudder Ameens.

XIII. The Zillah and City Judges, in conjunction with the Commissioners of Revenue and Circuit, shall revise the present establishment of Sudder Ameens in the Zillahs and Cities to which this Regulation may be extended—and the selection and number of these Officers, as well as of the Moonsiffs, shall be regulated in future in such manner as the Governor General in Council

Council may be pleased to direct, the office being open to Natives of India of any class or religious persuasion.

XIV. *First.* Section LXII. Regulation XXIII. 1814, is rescinded. Section LXII. Regulation XXIII. 1814, rescinded.

Second. The Mahomedan and Hindoo Law Officers of the Zillah and City Courts, shall not be deemed Sudder Ameens ex-officio, but shall be eligible to the office like other individuals. Mahomedan and Hindoo Law Officers not necessarily Sudder Ameens

XV. *First.* Section LXVIII. Regulation XXIII. 1814, Clauses First and Second, Section VII. Regulation XXIV. 1814, Clauses First and Second, Section V. Regulation II. 1821, and Section II. Regulation IV. 1827, declaratory of the powers which may be vested in Sudder Ameens in the decision of original suits are rescinded, and the following rules are enacted in lieu thereof, to be in force from the date of the operation of this Regulation. Provisions of existing Regulations rescinded.

Second. The Zillah and City Judges are hereby declared competent to refer to any of the Sudder Ameens subject to their authority for trial and decision any original suits depending or instituted in their Courts for money or other personal property, or for the property or possession of land, or of other real property, the amount or value of which, calculated according to the rules specified in No. 8 of the Schedule B, referred to in Section XVII. Regulation X. 1829, may not exceed one thousand Rupees. Provided however, that no suit shall Suits for claims of what amount, and of what nature cognizable by Sudder Ameens. Proviso.

shall be referred for trial to a Sudder Ameen in which he himself or his relatives, or dependants, or the Vakeels or Officers of his Court shall be a party, or in which an European British subject, an European foreigner, or an American shall be a party.

Original suits how to be tried and determined by Sudder Ameens.

Third. Original suits referred to a Sudder Ameen under the preceding Clause, shall be tried and determined in conformity with the provisions of Regulation XXIII. 1814.

Process of the Sudder Ameen how to be issued.

Fourth. So much of the rule, contained in Section LXXIV. of the said Regulation which requires that every notice, summons, attachment, or other process relative to any cause depending before a Sudder Ameen shall be issued under the official signature of the Judge or Register, is hereby rescinded, such processes, signed and sealed by the Sudder Ameen, shall issue through their own officers, and not as heretofore under the signature of the Judge through the Nazir of the Court.

Rules hitherto in force regarding reference of appeals from the decisions of Moonsiffs, to Sudder Ameens or Registers.

XVI. *First.* Appeals admitted from the decisions of the Moonsiffs have been hitherto referred, at the discretion of the Zillah and City Judges, to the Sudder Ameens, or Registers duly empowered to try them, under the rules contained in Clause Fourth, Section VII. and Clause Fourth, Section IX. Regulation XXIV. 1814, subject to a second or special appeal to the Zillah and City Judges as therein provided.

In modification of these rules, whenever the number of appeals before the Judge is heavy, he may obtain permission from the Sudder Dewanny

Second. In modification of this provision, however, it is hereby enacted, that it shall not be competent to a Zillah or City Judge to refer any appeal for trial to a Sudder Ameen, even though

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though he may have been specially empowered under the rule above cited, but whenever it may appear to any such Zillah or City Judge that his file is so heavy as to make it impracticable for him to dispose of all the appeals which may be pending with reasonable dispatch, he shall make a special report of the case to the Sudder Dewanny Adawlut, soliciting permission of that authority to refer such specified number of appeals from the decisions of Moonsiffs or Sudder Ameens, as he may deem necessary for trial, to the principal Sudder Ameen attached to his Court, to be appointed under the rules prescribed in Section XVII. of this Regulation, in which case it shall be competent to the Court of Sudder Dewanny Adawlut to comply with the application for the transfer, and the rules prescribed in the preceding Clause shall be held applicable to such appeals.

Adawlut to refer a specific number to the principal Sudder Ameen.

Third. Whenever an appeal shall be preferred to a Zillah or City Judge from the decision of any Moonsiff, Sudder Ameen, or Principal Sudder Ameen, it shall not be necessary to serve any process on the Respondent in the first instance, and if, after the perusal of the record of the original suit and the Petition of Appeal in the presence of the Appellant or his Vakeel, the Judge shall see no reason to alter the decision appealed from, it shall be competent to him to confirm the same, and to communicate the order for confirmation through the Court from whose judgment the appeal was made to the Respondent, with a view to enable such Respondent to take immediate measures for the execution of the Decree.

Rules regarding the conduct of appeals by the Judge.

Extended to P.S.A. in all appeals referred to them by Sec. 1 of Act 8 of 1850

XVII. *First.* It shall be competent to the Governor General

The Governor General in Council may

appoint principal Sudder Ameens.

General in Council to appoint to any Zillah or City Jurisdiction, one or more Principal Sudder Ameens, with the powers hereinafter specified.

Persons eligible to the office and how to be nominated.

Second. The office of Principal Sudder Ameen shall be open to Natives of India of any class or religious persuasion —The persons selected for the office shall be appointed by the Governor General in Council, and shall receive their Sunnuds or Commissions from Government, under the signature of the Secretary in the Judicial Department.

Monthly allowances to be fixed by the Governor General in Council.

Third. The Principal Sudder Ameens will receive such monthly allowances as may be fixed by the Governor General in Council.

Declaration to be made by the Principal Sudder Ameens.

Fourth. Every person appointed to the office of Principal Sudder Ameen shall, previously to entering upon the execution of the duties of his situation, make and subscribe before the Judge of the Zillah or City in which he may be employed, the solemn declaration required by Section II. Regulation XVIII. 1817.

Suits for claims of what amount and of what nature cognizable by Principal Sudder Ameens.

XVIII. *First.* The Zillah and City Judges are authorized to refer to the Principal Sudder Ameens any original suits depending or instituted in their Courts for money or other personal property, or for the property or possession of land or other real property, the amount or value of which, calculated according to the rules specified in No. 8 of the Schedule B, referred to in Section XVII. Regulation X. 1829, may not exceed

exceed five thousand Rupees—Provided that no suit be referred to a Principal Sudder Ameen in which he himself, or his relatives, or dependants, or the Vakeels or Officers of his Court shall be a party, or in which an European British subject, or an European Foreigner, or an American shall be a party.

Second. The Principal Sudder Ameens are themselves to investigate the suits referred to them in a public Cutcherry or Court room, and are not to allow their officers, servants, or dependants, or any other person to interfere therein.

Suits where and how to be investigated by Principal Sudder Ameens.

Third. It shall be competent to the Zillah and City Judge to authorize any of the Vakeels of his Court, or of those attached to the Sudder Ameens, to practice in the Court of the Principal Sudder Ameen.

What Vakeels to practice in their Courts

Fourth. × In the trial and decision of original suits and appeals referred to them, the Principal Sudder Ameen shall be guided by the rules established for the conduct of business in the Courts of the Sudder Ameens. And in points not expressly provided for by those rules, they shall observe as nearly as may be practicable the rules prescribed in the Regulations for the guidance of the Zillah and City Courts.

Rules to be observed by Principal Sudder Ameens in the trial and decision of cases that come before them.

Fifth. The rule contained in Clause Fourth, Section XV. of this Regulation, shall be applicable to the processes issued by the Principal Sudder Ameens.

Process how to be issued.

Sixth. In addition to the rules contained in Section III. Regulation

Section III. Regulation III. declared applicable to Principal Sudder Ameens.

× Mod. by Act VI of 1843.

Regulation III. 1821, which are hereby declared applicable to the Principal Sudder Ameens appointed under this Regulation, it shall be competent to the Magistrate to refer to a Sudder Ameen or Principal Sudder Ameen, not being a Mahomedan Law Officer, any Criminal case for investigation, though such case may not be finally cognizable by such Sudder Ameen, provided however, that no commitment be made by those officers, and that their powers of awarding punishment in Criminal matters, under the existing Regulations, be not exceeded.

Additional powers to be exercised by those Officers in Criminal matters.

XIX. *First.* The provisions contained in Sections II. and III. Regulation XXVI. 1814, with any modifications of them which may have been since enacted, regarding the admission and hearing of special and summary appeals, as well as the rule contained in Clause Second, Section IV. of the aforesaid Regulation, relative to the review of judgments, shall be held applicable to original suits and appeals tried by Principal Sudder Ameens.

Special or summary appeals from the decisions of Principal Sudder Ameens how to be admitted—review of judgment how to be applied for.

Second. If the Principal Sudder Ameen shall be of opinion that the review applied for ought to be admitted, he shall report the case to the Zillah or City Judge, who is authorized to grant permission under the same rules as are prescribed by the existing Regulations in cases where similar applications may be made to the Court of Sudder Dewanny Adawlut.

Rules regarding review of judgments by Principal Sudder Ameens.

XX. The duties chargeable on Law papers in the Courts of the Principal Sudder Ameens shall be regulated according to the

Duties chargeable on Law papers in the Sudder Ameens Courts.

the rates fixed in Schedule B, referred to in Section XVII. Regulation X. 1829, for the Courts of the Zillah and City Judges.

Rules in Section X. Regulation XXVI. 1814, to be observed by Principal Sudder Ameens.

XXI. In the trial of original suits and appeals, the Principal Sudder Ameens are enjoined to conform strictly to the mode of procedure directed to be observed by Section X. Regulation XXVI. 1814, before any exhibits are filed or witnesses summoned in support of the allegations of either of the parties.

Decrees passed by the Principal Sudder Ameens, how to be executed.

XXII. ✗ Decrees passed in the Courts of the Principal Sudder Ameens shall be executed by those Courts under the general rules prescribed for the execution of decrees passed by the Zillah and City Judges—Provided however, that in such cases an appeal from the orders of the Principal Sudder Ameens shall lie, in the first instance, to the Zillah and City Judges, and specially to the Sudder Dewanny Adawlut.

Reports to be furnished by the Principal Sudder Ameens.

XXIII. The Principal Sudder Ameen shall furnish such monthly and other periodical reports of business done in their Courts, as the Sudder Dewanny Adawlut may be pleased to direct.

Judges retaining on their own files cases referrible to the Sudder Ameen or Principal Sudder Ameen, to record their reasons.

XXIV. Whenever the Zillah and City Judges shall retain, on their own files, any original suits which they are authorized by this Regulation to refer to a Sudder Ameen, or Principal Sudder Ameen, they shall record their reasons for doing so upon their proceedings.

XXV. *First.*

Sudder Ameens and Principal Sudder Ameens competent to appoint and remove their own officers.

XXV. *First.* The Sudder Ameens and Principal Sudder Ameens are authorized to appoint and remove the ministerial officers of their respective Courts, without reference to any other authority.

Such Officers liable for misconduct to the same penalties as other officers of the Judge's Court.

Second. The ministerial officers of the Courts of the Sudder Ameens and Principal Sudder Ameens shall be liable to the same penalties for acts of corruption, extortion, or other misconduct, as the ministerial officers of the Zillah and City Courts are now liable under the general Regulations.

Rules regarding the dismissal of Sudder Ameens and Principal Sudder Ameens

XXVI. *First.* In modification of the existing rules regarding the removal of Sudder Ameens, it is hereby enacted that it shall not be necessary, in all cases, to require full and legal proof of disqualification, but that whenever a Zillah or City Judge shall have reason to believe that any Principal or other Sudder Ameen within his jurisdiction is disqualified by neglect of duty, incapacity, notorious corruption, or other gross misconduct, he shall state the grounds of his opinion to the Commissioner of Revenue and Circuit for the Division, and provided that Officer concur with him in opinion, they shall jointly submit a report thereof for the consideration and orders of the Governor General in Council through the Secretary to Government in the Judicial Department; and it shall be competent to the Governor General in Council, should he be of opinion that sufficient grounds exist, to direct the immediate removal of such Principal or other Sudder Ameen, provided however, that no Principal or other Sudder Ameen shall be removed from office, without the sanction of the Governor General in Council. *Second.* The

Second. The above rules are hereby declared applicable to the Moonsiffs, who may be appointed under this Regulation, except that any report suggesting the removal of any officer of that class, shall be made to the Sudder Dewanny Adawlut, who shall be competent to exercise the powers declared to belong to the Governor General in Council by the preceding Clause, with respect to the Sudder Ameens and Principal Sudder Ameens.

Rules regarding the dismissal of Moonsiffs.

Third. Provided also that it shall be competent to a Judge of a Zillah or City Court, whenever he may see urgent necessity for so doing, to suspend any Principal Sudder Ameen, Sudder Ameen, or Moonsiff, within his jurisdiction, without any previous communication with the Commissioner of the Division; and in all cases in which the Commissioner of the Division may dissent from the Judge as to the propriety of removing any of the officers above named, it shall be competent to the Judge to submit his own opinion to that effect to the Governor General in Council, or the Court of Sudder Dewanny Adawlut, as the case may be, such report, however, to be accompanied by a copy of the dissent which the Commissioner may deem it necessary to record on the occasion.

The Judge competent to suspend a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, against the opinion of the Commissioner of the Division.

Fourth. Provided also that it shall be competent to any Commissioner of Revenue and Circuit to recommend, on grounds assigned, the removal of any Moonsiff, Sudder Ameen, or Principal Sudder Ameen; but every such recommendation shall be previously submitted through the Judge of the Zillah or City, whose assent or dissent shall accompany the recommendation to the Court of Sudder Dewanny Adawlut, or the Governor General in Council, as the case may be.

The Commissioner of the Division competent to recommend the dismissal of a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, contrary to the opinion of the Judge.

Principal Sudder Ameens liable to Criminal prosecution for corruption or extortion.

Fifth. Principal Sudder Ameens shall be liable to a Criminal prosecution for corruption, extortion, or other misdemeanor committed by them in the discharge of any part of their duty, and on conviction before the Court of Circuit, shall be subject to fine and imprisonment proportionate to the nature and circumstances of the case, but no Principal Sudder Ameen shall be liable to be prosecuted for want of form, or for error in his proceedings or judgments, nor shall any process be issued against a Principal Sudder Ameen who may be charged with corruption, extortion, or any oppressive and unwarranted act of authority, unless the Zillah or City Judge shall be previously satisfied by sufficient evidence that there is reason to believe the charge to be well founded.

Jurisdiction of Provincial Court to be suspended wherever this Regulation may be extended.

XXVII. *First.* Into whatever Zillah or City the Governor General in Council, under the power vested in him by Section II. of this Regulation, shall see fit to extend the provisions of this Regulation, the Provincial Court of Appeal shall, from the date fixed by the Governor General in Council for the commencement of the operation of the Regulation, cease to receive original suits, and to hear appeals from such Zillah or City, or to exercise jurisdiction or control over it, in any matter which may arise, or with reference to any suit which may be preferred subsequent to the date aforesaid.

But suits then pending before the Provincial Courts to be disposed of by them.

Second. Provided always, that all suits and all appeals, regular, special or summary, that may be pending before the Provincial Court on the date aforesaid from such Zillah or City, shall be brought to a hearing, decided, and finally disposed of by

by the Provincial Court, in the same manner as would have been the case if the provisions of this Regulation had not been extended to such Zillah or City.

Third. From and after the date aforesaid, the Judge of the Zillah or City Court into which the provisions of this Regulation may be introduced, shall have primary jurisdiction in all suits, in which the value or amount of the claim may exceed five thousand Rupees, any thing in the existing Regulations to the contrary notwithstanding.

The Judges in such district to have primary jurisdiction in all suits in which the value of the claim exceeds 5000 Rupees.

XXVIII. *First.* In appeals from the decisions of the Moonsiffs or Sudder Ameens, the decisions of the Zillah or City Judge shall be final, any thing in the existing Regulations to the contrary notwithstanding.

The decisions of Zillah or City Judges on appeals from the Sudder Ameens or Moonsiffs to be final.

Second. In all suits originally decided by the Principal Sudder Ameens, an appeal shall lie to the Zillah or City Judge, and a further or special appeal, under the provisions of the Regulations applicable to such cases, to the Sudder Dewanny Adawlut.

In suits decided by the Principal Sudder Ameen, a regular appeal to lie to the Judge—a special appeal to the Sudder Dewanny Adawlut.

Third. In all suits originally decided by the Zillah or City Judge, an appeal shall lie to the Sudder Dewanny Adawlut.

In all suits originally decided by the Judge, an appeal to lie to the Sudder Dewanny Adawlut.

XXIX. *First.* Section II. Regulation VIII. 1794, and the corresponding enactments which authorize the reference of Civil suits for trial to the Registers attached to the several Zillah and City Courts, are hereby rescinded; and the several Judges

Rules which authorize the reference of Civil Suits to Registers rescinded; Judges required to recall all pending suits and to refer them for trial to Sudder Ameens or Principal Sudder Ameens, as the amount may be.

Judges in those places into which the provisions of this Regulation shall have been introduced are hereby authorized and required to recall from the files of those officers all suits which may be depending thereon, and to refer the same for trial as the amount may be to the Sudder Ameens or Principal Sudder Ameens, who have been or may be appointed under the provisions of this enactment.

Proviso.

Second. Nothing however in the above Clause shall be construed to prevent the Registers from disposing of such causes as may be actually pending on their files at the date of the promulgation of this Regulation in those districts in which Government may not intimate an intention of giving immediate effect to the provisions of this enactment.

Office of Vakeel to be open to all Natives of India.

XXX. So much of Clause 3, Section III. Regulation XXVII. 1814, as restricts the Judges of the several Courts in the nomination and appointment of persons to the office of Vakeels to individuals of the Hindoo and Mahomedan persuasion, is hereby rescinded; and that office shall, in future, be open to all Natives of India, whatever may be their religious belief or persuasion.

Repealed by Act I of 1846.

A. D. 1831. REGULATION VI.

A REGULATION *for the Appointment of one or more Judges to be ordinarily stationed at Allahabad, for the purpose of exercising the powers and authority of the Sudder Dewanny and Nizamut Adawlut within the Province of Benares, the Ceded and Conquered Provinces, including the Districts of Meerut, Saharunpore, Moozuffernuggur, and Bolundshehur, which are now subject to the Chief Commissioner at Delhi; and the powers and authority of the Nizamut Adawlut in the Province of Kumaoon and the Saugor and Nerbudda Territories.—Passed by the Vice President in Council on the* 1*st November* 1831, *corresponding with the* 17*th Cartick* 1238 *Bengal Era; the* 11*th Cartick* 1239 *Fusly; the* 18*th Cartick* 1239 *Willaity; the* 12*th Cartick* 1888 *Sumbut, and the* 25*th Jumadee-ul-uwal* 1247 *Higeree.*

PREAMBLE. WHEREAS the distance from the Presidency of the Districts comprized in the Western Provinces, and the difference of their climate from that of Bengal are so great as to deter individuals from personally resorting to the highest appellate authority, to obtain redress against any acts or orders of the Subordinate Courts; and whereas, owing to the same cause, the

the Suitors in those Provinces are subjected to serious expense, difficulties, and delays in procuring fit individuals as their representatives for the prosecution or defence of appeals preferred to the Sudder Dewanny Adawlut; and whereas the final disposal of important Criminal trials would be much expedited, and the controul over the several Judicial and Magisterial Authorities in the Districts in question rendered more efficient by the appointment of a separate Court of Sudder Dewanny and Nizamut Adawlut for the Western Provinces, including the Province of Kumaoon; and whereas embarrassment has been experienced from the want of a suitable Tribunal for the trial of Prisoners charged with offences of a heinous nature committed within the Saugor and Nerbudda Territories, and it has therefore been deemed expedient to provide for the due and deliberate investigation of charges of that nature, the following rules are enacted to be in force from the 1st of January 1832, throughout the Provinces immediately subject to the Presidency of Fort William.

Rules extending the powers of the Courts of Sudder Dewanny and Nizamut Adawlut at Calcutta, to the Province of Benares and the Ceded and Conquered Provinces, rescinded.

II. From and after the date of the promulgation of this Regulation, such parts of Regulations X. and XVI. 1795, of Regulations V. and VIII. 1803, and VIII. of 1805, or any other Regulation in force, as extend the powers of the Sudder Dewanny and Nizamut Adawlut stationed at Calcutta to the Province of Benares and the Ceded and Conquered Provinces, are hereby rescinded.

A Court of Sudder Dewanny and Nizamut Adawlut constituted for the Western Provinces, and its jurisdiction defined.

III. *First.* A Court of Sudder Dewanny and Nizamut Adawlut shall be constituted for the Western Provinces, to be ordinarily stationed at Allahabad, and to exercise jurisdiction over

over the whole of the Districts comprized within the Divisions numbered in Section II. Regulation I. 1829, as No. 1 to 9 inclusive; and a Court of Nizamut Adawlut for the Province of Kumaoon, and the Saugor and Nerbudda Territories.

Second. It shall be competent however to the Governor General in Council to fix the Station at which the Courts of Sudder Dewanny and Nizamut Adawlut for the Western Provinces shall reside, at such place within the Territories belonging to this Presidency, as may, from time to time, be deemed expedient.

The Governor General in Council declared competent to fix the residence of the Sudder Courts for the Western Provinces, at any place within the Territories.

IV. The Court of Sudder Dewanny and Nizamut Adawlut constituted by this Regulation, shall consist of one or more Judges, shall be assisted by two Mufties, and shall have a Register, to be styled Register to the Sudder Dewanny and Nizamut Adawlut for the Western Provinces, and such other Officers as may be deemed necessary.

Number of Judges and other Officers to belong to the Courts constituted under this Regulation.

V. The Judges, Registers, and other Officers who may be appointed to the Courts of Sudder Dewanny and Nizamut Adawlut for the Western Provinces, previous to entering upon the execution of the duties of their respective Offices, shall take and subscribe the same Oath or Solemn Declaration as is prescribed in the existing Regulations for individuals appointed to the like Offices in the Court of Sudder Dewanny and Nizamut Adawlut situated at Calcutta.

Oaths to be taken by the Officers of the Sudder Courts for the Western Provinces.

VI. The Courts of Sudder Dewanny and Nizamut Adawlut for the Western Provinces constituted by this Regulation, shall possess

The powers and duties of the Sudder Courts for the Western Provinces, to be the same as those of the Calcutta Sudder Courts.

possess within the Divisions, Provinces, and Territories subject to their jurisdiction, all the powers vested under the existing Regulations in the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut constituted by Section II. Regulation VI. and Section LXVII. Regulation IX. 1793, and shall perform all the duties required to be performed by those Courts under Regulations VI. and IX. 1793, and under all other Regulations which have been passed and published in the mode prescribed by Regulation XLI. 1793, subject to all the modifications and provisions contained in such Regulations, and to the following further provisions.

The Sudder Courts for the Western Provinces to be open Courts, and to be holden as prescribed by Regulations for the Calcutta Sudder Courts.

VII. *First.* The Courts of Sudder Dewanny and Nizamut Adawlut for the Western Provinces are to be open Courts, and to be holden as directed in Section III. Regulation VI. and Section LXVI. Regulation IX. 1793, as soon as a convenient place shall have been provided for the purpose. Whenever, and so often, as only one Judge may be present with the Courts, or if any difference of opinion should arise when only two Judges may be present in either Court, in any matter requiring under the existing Regulations the concurrent voices of two Judges, the question shall be referred, as the case may be, for the determination of one of the Judges of the Court of Sudder Dewanny or Nizamut Adawlut stationed at Calcutta.

Rule to be observed in cases requiring the concurrent opinion of two Judges.

Proviso.

Second. Provided moreover, that in such case, it shall be sufficient that the Judge to whom the point may be referred should form and record his judgment on a careful perusal and consideration of the Proceedings, and without requiring the attendance of the Parties or their Vakeels.

VIII. *First.*

VIII. *First.* So much of Clause 2, Section IX. Regulation I. 1829, as vests the Resident at Delhi with the powers of the Sudder Dewanny and Nizamut Adawlut within the Districts of the Northern Dooab, is hereby rescinded; Provided however, that the Resident shall complete the trial of all Criminal cases referred to him prior to the date on which this Regulation takes effect, and that the said authority shall, except in cases in which the appellant may pray to have his case transferred to the Sudder Dewanny Adawlut for the Western Provinces, proceed to the decision of all cases now actually before him in appeal, or which may be appealed to him before the date fixed for the operation of this Regulation, and to do and order all things necessary to the investigation and decision of the cases, or to the execution of such of his decrees and judgments, as shall have been passed at the date fixed for the operation of this Regulation.

Powers of Sudder Dewanny and Nizamut Adawlut vested in the Resident at Delhi, rescinded.

Proviso.

Second. The above proviso shall be held equally applicable to all cases that may be pending before the Courts of Sudder Dewanny and Nizamut Adawlut at Calcutta, at the date of the promulgation of this Regulation.

Also applicable to cases pending before the Courts of Sudder Dewanny and Nizamut Adawlut at Calcutta.

IX. The powers and authority heretofore vested in the Nizamut Adawlut stationed at Calcutta, over the Province of Kumaoon by Regulation X. 1817, are hereby transferred to the Nizamut Adawlut for the Western Provinces.

The powers and authority vested in the Calcutta Nizamut Adawlut over the Province of Kumaoon, transferred to the Nizamut Adawlut for the Western Provinces.

X. The administration of the Police, and of Criminal Justice in the Saugor and Nerbudda Territories, has been heretofore conducted by British Officers under instructions issued

The Saugor and Nerbudda Territories declared subject to the Nizamut Adawlut for the Western Provinces.

for

for their guidance by the Governor General in Council, but it is hereby declared that from and after the date of the promulgation of this Regulation, as regards Criminal matters, those Territories shall be subject to the Nizamut Adawlut for the Western Provinces.

Duties and authority to be exercised by the Commissioner for the Saugor and Nerbudda Territories.

XI. The Commissioner to whom the Superintendence of the Territories in question is or may be confided, is hereby declared competent to hold trials and pass sentence to the extent permitted by the Regulations to a Commissioner of Circuit, (but without reference of the proceeding for Futwa to a Mahomedan Law Officer) as well as to exercise all the functions and authorities now exercised by the Commissioners of Circuit under Regulation I. of 1829.

Proceedings in the trial of certain cases to be referrible to the Nizamut Adawlut for the Western Provinces, before final Sentence being passed by the Commissioner.

XII. If the Commissioner shall deem an offender brought to trial before him to be liable to a punishment exceeding that which, by the existing Regulations, a Judge of Circuit is competent to adjudge without referring the case to the Nizamut Adawlut, he shall not pass any final sentence thereon, but shall transmit to the Nizamut Adawlut for the Western Provinces, the record of the proceedings held on the trial, together with a full English report of the circumstances of the case, and of his opinion as to the guilt or innocence of the Prisoner or Prisoners tried, as likewise an explanation of any special custom of the parties or Witnesses, that may be necessary to the proper understanding of the proceedings.

The Nizamut Adawlut how to pass judgment in such cases.

XIII. Upon the receipt of any trial referred by the Commissioner

Commissioner under the preceding Section, the Nizamut Adawlut in the Western Provinces shall, without submitting the proceedings for the Futwa of their Law Officers, proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a Judge on Circuit.

In Criminal matters, the Commissioner and all others Officers to conform to the spirit of the Regulations, and to furnish such periodical Reports and Statements as may be prescribed.

XIV. In the conduct of Criminal Trials and in all other matters, the Commissioner, as well as the Police Officers, and all other Officers acting under his controul, shall ordinarily conform to the principles and spirit of the Regulations applicable to such subjects, and shall regularly furnish to the Nizamut Adawlut in the Western Provinces, all such Statements and Reports as are prescribed by the existing Regulations, to be submitted by the Commissioners of Circuit, or as may be specially prescribed in future by the authority to whom, by this Regulation, they are declared to be subordinate.

But shall obey and conform to all special rules.

Reservation to the Governor General in Council of the power of regulating sundry matters connected with the Commissioner in Criminal Jurisdiction.

XV. Provided, however, that it shall be competent to the Governor General in Council to issue any special rules or orders, that may, from time to time, be deemed necessary, for regulating the process before trial, or the form of trial, to be observed within the Territories subject to the Commissioner, as well as to extend or modify the Judicial functions vested in the Commissioner by the preceding provisions. An order or resolution of Government, under the official signature of a Secretary to Government, shall be sufficient authority for such extension or modification.

A. D. 1831. REGULATION VII.

A REGULATION *for enabling the Governor General in Council to afford relief to the Commissioners of Circuit, by vesting the Zillah and City Judges, not being Magistrates, with Powers to hold Monthly Jail Deliveries within their respective Jurisdictions, (whenever that measure may be deemed advisable) and for defining the powers and duties of the Judges, or other Officers, not being in Charge of the Office of Commissioner, who may be appointed to hold any Jail Delivery, while so employed.—Passed by the Vice President in Council on the* 1*st November* 1831, *corresponding with the* 17*th Cartick* 1238 *Bengal Era; the* 11*th Cartick* 1239 *Fusly; the* 18*th Cartick* 1239 *Willaity; the* 12*th Cartick* 1888 *Sumbut; and the* 25*th Jumadee-ul-uwal* 1247 *Higeree.*

PREAMBLE.

WHEREAS it has been deemed expedient to modify the provisions contained in Regulation I. 1829, with a view to enable the several Commissioners of Revenue and Circuit to devote a sufficient portion of their time to the discharge of the duties of the former office, as well as to provide for the more speedy

speedy trial of Commitments for Criminal offences, the following rules are enacted to be in force from the date of their promulgation throughout the Provinces subject to the Presidency of Fort William.

The Governor General in Council declared competent to invest the Zillah and City Judges with powers to conduct the duties of the Sessions.

II. Whenever from the pressure of business devolving on a Commissioner of Revenue and Circuit, or other cause, the measure shall be deemed advisable, it shall be competent to the Governor General in Council, by an order in Council, to invest the Judges of the Zillahs or Cities within such Divisions, with full powers to conduct the duties of the Sessions.

Session Judges to take Oath of Judge of Circuit, and to be guided by the rules applicable to Commissioners of Circuit.

III. Session Judges so appointed shall take the oath prescribed for a Judge of Circuit before such person as the Governor General in Council may direct, and shall be guided in the conduct of their duties, by all the rules now applicable to Commissioners of Circuit, subject to the following modifications.

Session Judges to try Commitments made by Magistrates, and Jail Deliveries to be held monthly.

IV. The Session Judges so appointed shall try every Commitment that may be made by the Magistrates of their respective jurisdictions, as soon after it is made as may be convenient, and Jail Deliveries for each District shall be held at least once in every month.

Session Judges shall possess the powers of a Commissioner of Circuit in the conduct of trials, but not to exercise any authority over the Magistrates, or interference with the Police.

V. The Session Judges so appointed shall possess all the powers hitherto confided to the Commissioners of Circuit as far as regards the summoning and examination of witnesses, and the passing sentence of acquittal and conviction without reference, but they shall not be competent to exercise any authority

authority over the Magistrates, or any interference in matters of Police.

On the conclusion of the trial or trials, Session Judges will pass sentence or refer the case to the Nizamut Adawlut.

VI. On the conclusion of the trial or trials, the Session Judges so appointed shall proceed to pass sentence of conviction or acquittal, or to refer the trial to the Nizamut Adawlut, if required to do so under the existing rules applicable to the Commissioners of Circuit.

Session Judges to furnish statements of convictions and acquittals monthly.—All other periodical reports and statements to be furnished by the Commissioners of Circuit as heretofore.

VII. The Session Judges shall not be required to furnish to the Nizamut Adawlut, any other statement than those of convictions and acquittals which are now furnished by the Commissioners of Circuit, which statements shall be furnished monthly.—All other periodical reports and statements, whether on the subject of the Jails, or other matters which the latter authorities have been required to furnish under the Regulations or Circular Orders, shall still be furnished by them, including the Half Yearly Reports on the state of the Police, and subjects of a general nature; and the several Commissioners are hereby required as heretofore, to visit periodically the Sudder Stations of the several Districts within their respective Divisions at least twice in each year, and at intervals of not less than three months.

All appeals from the acts or orders of Magistrates to be to Commissioners of Circuit.

VIII. All appeals from the acts or orders of the Magistrates shall continue to be made to the Commissioners as heretofore, the Judge of the Zillah or City to whom the duty of conducting the Session duties may be entrusted, being strictly confined to that duty.

IX. The

Session Judges to represent to the Nizamut Adawlut any neglect of Magistrates to their requisitions.

IX. The Judge so employed, however, if the Magistrate neglect to obey any requisition which he may have made to him, as being necessary to the due conduct of any pending trial, shall be at liberty to represent the circumstance to the Nizamut Adawlut, either in the remarks on the statements of convictions or acquittals, or in a separate letter. —

Session Judges, if dissatisfied with the conduct of Subordinate Police Officers to certify the same to the Commissioner of Circuit, and to intimate having done so to the Nizamut Adawlut.

X. In like manner should such Judge, in the conduct of a trial, see reason to impute misconduct to any Darogah or other subordinate Police Officer, he shall be at liberty to certify the same to the Commissioner of the Division, for such orders as the latter may deem necessary, intimating to the Nizamut Adawlut his having made such reference, to enable that Court to require from the Commissioner, should they think proper, a report of what he may have done in pursuance of the reference, and to make a special report on the subject to the Governor General in Council, should the circumstances of the case seem to require it.

The above rules declared applicable to other Officers not being Judges, but who may be specially appointed to hold Sessions.

XI. The foregoing rules are hereby declared applicable to all cases in which any other person, not being the Judge of the District, may be directed to hold a trial or Sessions within any Division, in which he may not have charge of the office of Commissioner.

Commitments made by any Magistrate or Joint Magistrate stationed within the jurisdiction of the Session Judge, to be submitted for trial to the Judge through the Magistrate of the Sudder Station.

XII. *First.* Whenever the Judge of any Zillah or City may have been invested with the powers specified in Section II. of this Regulation, and any Magistrates or Joint Magistrates, having jurisdiction limited to that District, or extending to other Districts,

Districts, may be stationed at any place within the jurisdiction of the Judge, all cases committed for trial to the Court of Circuit by such Magistrates or Joint Magistrates, shall be submitted to the Judge through the Magistrate at the Sudder Station as soon after commitment as practicable, and the Judge is hereby authorized and required to try all such cases under the same rules, as if committed by the Magistrate at the Sudder Station.

Second. Provided that, if on account of distance or other cause, it be deemed expedient to limit the jurisdiction of the Judge to cases originating within the limits of his own District, or to exclude from his jurisdiction all the Commitments made by such Magistrates, or Joint Magistrates, and to transfer them for trial to the Judge of another Zillah or City, or to leave them to be decided by the Commissioner of the Division at the Station of those Magistrates or Joint Magistrates, it shall be competent to the Governor General in Council to direct the same by an order in Council. Proviso.

XIII. *First.* It shall also be competent to any Commissioner, to whom the Session duties of the Sudder Station of any Zillah or City, at which he may ordinarily reside may be reserved, to require the Magistrates or Joint Magistrates stationed within the limits of that Zillah or City, to forward all cases committed, at such periods as the Commissioner may deem proper, for trial before himself at the Sudder Station. Commissioners of Circuit, to whom the Session duties may be reserved, declared competent to require the Magistrates and Joint Magistrates to forward Commitments to him at the Sudder Station for trial, at such periods as he may deem proper.

Second. The several Commissioners of Circuit appointed under the provisions of Regulation I. 1829, are hereby authorized Commissioners of Circuit empowered without reference, to hold Jail Deliveries of any District within their Division, whenever

the Session Judge is unable to do so monthly, or by reason of his having made the commitment.

rized and required, without making any previous reference for sanction either to Government or to the Nizamut Adawlut, to hold Jail Deliveries as often as may be convenient for any of the Districts within their Divisions, whenever, owing to absence, indisposition, or other cause, the Judge of the Zillah or City, who may have been nominated to the office of Session Judge, shall have been unable, for a period exceeding one month, to perform that duty, or whenever such Judge may be prevented from trying any case or cases by reason of his having made the Commitment or Commitments in his capacity of Magistrate or Joint Magistrate, or from any other cause.

Commissioners of Divisions in which this Regulation may be partially introduced, required to try commitments of Districts reserved to them, as soon after they are made as practicable.

Third. The several Commissioners in whose Divisions the provisions of this Regulation may be partially introduced, are also hereby required to try the Commitments that may be made by the Magistrates of those Districts, the Session duties of which may be reserved to them, as soon after the Commitments are made as may be practicable, consistently with the due performance of their other duties.

A. D. 1831. REGULATION VIII.

A REGULATION *for amending the existing provisions relative to the trial of Summary Suits and Claims for arrears or exactions of Rent.—Passed by the Vice President in Council on the* 1*st November* 1831, *corresponding with the* 17*th Cartick* 1238 *Bengal Era; the* 11*th Cartick* 1239 *Fusly; the* 18*th Cartick* 1239 *Willaity; the* 12*th Cartick* 1888 *Sumbut; and the 25th Jumadee-ul-uwal* 1247 *Higeree.*

WHEREAS it has appeared necessary to provide more effectually for the adjustment of suits and claims relating to arrears or exactions of Rent, the following rules have been enacted to be in force from the date of their promulgation throughout the Territories immediately subject to the Presidency of Fort William. PREAMBLE.

II. Such parts of Regulations VII. 1799, V. 1800, XVIII. 1803, V. 1812, VII. 1813, XIX. 1817, XIV. 1824, or any other Regulations in force, as authorize the Judges of the Zillah or City Courts, to take cognizance of Summary suits or claims Rules which authorize Judges to take cognizance of Summary suits, rescinded.

claims relating to arrears or exactions of Rent, and to refer the same to the Collector for investigation and decision, are hereby rescinded.

Judicial authorities declared incompetent to receive any claim of the above nature, unless preferred as a regular suit.

III. From and after the date of the promulgation of this Regulation, it shall not be competent to the Judicial Authorities to receive any claims of the nature above adverted to, unless the complaint be preferred as a regular suit in the mode prescribed by Regulation IV. 1793, and the corresponding enactments.

Summary suits declared cognizable by Collectors of Land Revenue and their decision to be final, subject to a regular suit.

On what ground appealable to the Commissioner of Revenue and how to be dealt with by him.

IV. Summary claims connected with arrears or exactions of Rent, shall be preferred in the first instance to the several Collectors of Land Revenue, whose decisions in such cases shall be final, subject to a regular suit, unless the ground of appeal be the irrelevancy of the Regulation to the case appealed, on which ground only the Commissioner of Revenue for the Division is authorized to receive an appeal, if preferred to him within one month of the date of the Summary decision. The Commissioner of Revenue after receiving the appeal, and calling for the proceedings in the case shall dismiss the same with costs, if the stated ground of irrelevancy shall not appear to be established. If on the other hand the case should appear to be of a nature not properly cognizable as a Summary Suit under the provisions of this Regulation, the Commissioner of Revenue shall reverse the irregular judgment given by the Collector, and pass such further orders thereupon as he may think just and proper in pursuance of the Regulations in force, which may be applicable to the circumstances of the case.

V. All

V. All Summary cases of the above nature which may be depending in the Zillah and City Courts, at the date of the promulgation of this Regulation, shall be transferred to the Collectors of the several Districts for investigation and decision.

Summary cases depending in the Courts to be transferred to Collectors.

VI. The existing Regulations not providing any limited period beyond which the investigation of a regular suit to contest the justice of a Summary award, in matters connected with arrears or exactions of Rent, shall be admitted, it is hereby declared, that the admission of regular suits to contest the Summary awards of the Revenue Authorities in such matters, shall be restricted to the period of one year from the date of the delivery, or of the tender to the party against whom the award is made, of the Collector's decision.

Admission of regular suits to contest Summary awards of Revenue Authorities, restricted to one year from date of Collector's decision.

VII. Summary claims of the nature above adverted to, which may be preferred to a Collector conformably with Section IV. of this Regulation, shall be written on paper, bearing a stamp of one-fourth the value which would have been required, had the claim been instituted in any Civil Court as a regular suit.—Provided, however, that the Collector shall have a discretion to receive a complaint on paper, bearing a stamp of Eight Annas, from any dependant Talookdar, Farmer, or Ryot, if the complainant is bonâ fide unable to pay the price of the prescribed stamp, or if the Collector should, for other reasons, consider the indulgence proper.

Value of Stamp Paper on which Summary claims may be preferred to a Collector.

Proviso.

VIII. With a view to give additional encouragement to parties having claims to arrears of Rent, to prefer regular suits on

Plaints in regular suits for arrears of Revenue, if cognizable as Summary suits,

may be preferred on paper of one-fourth the prescribed value.

on account of the same, it is hereby declared that the plaint in all such regular suits, if under the existing Regulations they would have been cognizable as Summary suits, may be written on paper bearing a stamp of one-fourth the prescribed value.

Proviso.

Provided, however, that this rule shall not be considered applicable to a suit instituted with a view to set aside a previous Summary decision, which suit shall be subject to the ordinary provisions for the payment of Stamp duty.

Collectors declared competent to reject a Summary suit by a Persian order on the back of the Petition, and Judicial Authorities authorized to receive such Petition as a plaint in a regular suit.

IX. *First.* It is further hereby declared competent to a Collector to whom a Summary suit may be preferred under the provisions of this Regulation, to reject the same by a Persian order to be written on the back of the Petition, to be returned to the party, referring him to a regular suit; and the said Petition shall be received by the Judicial Authorities as a Petition of plaint in like manner as if the claim had been originally preferred to them in the form of a regular suit.

Proviso.

Second. Provided, however, that it shall be competent to a Commissioner of Revenue on Summary appeal to direct the Collector to receive and decide such suits, as well as to give such general instructions relative to the admission or rejection of suits referring to the matters in question, as local or other circumstances may in his judgment render necessary.

Collectors jurisdiction restricted to enforcing rents paid in past years to the exclusion of claims to increase except on written engagements.

X. In modification of the existing rules regarding Summary suits, it is hereby provided, that the Summary jurisdiction to be exercised by Collectors shall be restricted to the object of enforcing payments of the rents paid in past years, to the entire exclusion

exclusion of all claims to increase, except on proof of bonâ fide written engagements to such increase.

Moonsiffs appointed under Regulation V. 1831, declared competent to award damages in cases of illegal distraint or attachment.

XI. In those Districts in which Moonsiffs may be appointed under the provisions of Regulation V. 1831, those Moonsiffs shall be competent, in addition to the authority now possessed by Moonsiffs generally, of receiving, trying, and deciding claims to arrears of Rent preferred by regular suit, in like manner to dispose of all claims preferred by under-tenants or others, who may be desirous of resisting the distraint of their property or the attachment of their persons; or who may prefer a claim for damages on account of such acts.—The rule contained in Section XIII. Regulation XXIII. 1814, or any other Regulation, prohibiting the award of damages by Moonsiffs, shall not be considered applicable to such claims.

Rules prohibiting award of damages by Moonsiffs, declared inapplicable to such cases.

Sections XV. and XVI. Regulation V. 1812, modified.

XII. In modification of the rules contained in Sections XV. and XVI. Regulation V. 1812, which prescribe that the individual whose property is distrained should give security for instituting a suit to contest the demand, it is hereby provided that if a part only, and not the whole of the demand be contested, it shall be competent to the individual whose property is distrained, to release it from distraint, on paying a part of the demand and giving security to contest the remainder.

Collectors authorized, with the permission of Commissioner of Revenue, to refer summary cases for adjustment and report to Tuhseeldars, who are to be guided in such cases by the Rules

XIII. Whenever, from the great accumulation of suits connected with claims to arrears or exactions of Rent, or from any other cause, it shall seem advisable, the several Collectors are hereby authorized, with the previous sanction of the Commissioner

applicable to Collectors prior to the Rules of Regulation XIV. 1824.

Commissioner of the Division, to refer to the Tuhseeldars within their respective Districts, any such claims with a view to their being adjusted and reported upon, and the several Tuhseeldars shall be guided in the performance of this duty by the Rules which were declared applicable to the Proceedings of Collectors in similar references, prior to the enactment of Regulation XIV. 1824.

Rules to be observed in cases of two or more suits being instituted regarding the same matter cognizable under this Regulation.

XIV. Inconvenience having been experienced from the circumstance of two or more claims regarding the same matter having been preferred to different tribunals, it is hereby provided that if it should be brought to the notice of the Judge, that a suit regarding any matter cognizable under this Regulation is pending in his or in any of the Courts subject to his control in a matter regarding which a suit had been previously instituted before the Collector, the Judge shall direct such suit to be transferred to the Collector, who in such case is authorized and required to decide both suits.

Collectors on ascertaining that in any matter pending before them under this Regulation, a regular suit has been previously filed before the Judge, will suspend his proceedings and forward the record to the Judge.

XV. In like manner, if it be brought to the notice of the Collector, that a suit is pending before him in a matter regarding which a regular suit has been previously filed in the Judge's Court, he shall suspend his proceedings and forward the record of the case to the Judge, who will make over both cases to some tribunal subject to his authority, or dispose of the cases himself.

All Judicial authorities to endeavour to bring before one Court all cases relating to the same matter cognizable under this Regulation.

XVI. It shall further be the duty of the Judge and of all the Judicial Authorities subject to his control, in all practicable cases, to refer suits concerning the same cause of action and

and regarding any matter cognizable under this Regulation to be decided by one and the same tribunal, and the subordinate Judicial Authorities are required to suspend their proceedings and to submit them to the Judge, whenever they may have reason to know that another case concerning the same matter, relating to arrears or exactions of Rent, is pending before another Court, or as a Summary suit before the Collector.

In cases of appeal, the records of all cases in the same matter to be produced and read, and the decision in appeal to apply equally to all.

XVII. Provided moreover, that in all cases of appeal, the records of cases which can be ascertained to have been decided, concerning the same cause of action and regarding any matter cognizable under this Regulation, shall be produced and read, and that the decision in appeal shall be considered to be equally applicable to all such suits, though not appealed. Provided however, that in all such cases due notice shall be given to the parties concerned, to attend either in person or by Vakeel to prosecute or defend their several interests.

Proviso.

In furnishing periodical reports and other duties under this Regulation, Collectors to be guided by the instructions of the Revenue Commissioners and the Sudder Board.

XVIII. In furnishing Periodical Reports of Suits decided and depending which may have been instituted under this Regulation, and generally in the performance of other duties connected with its provisions, the several Collectors shall be guided by the instructions which they may receive from the Revenue Commissioners or the Sudder Boards of Revenue.

Rules of Section XXXI. Regulation VII. 1822, declared applicable to decisions of Collectors under this Regulation.

* XIX. The rules contained in Section XXXI. Regulation VII. 1822, are hereby applicable to the decisions passed by Collectors under the provisions of this Regulation.

* Repealed by Sec II Reg XX 1837 —

XX. Such

The Rules for the execution of awards prescribed in Clause Three, Section XXIII. Regulation VII. 1822, declared applicable to awards of Collectors under this Regulation.

XX. Such part of Clause Three, Section XXIII. Regulation VII. 1822, as relates to the execution of awards in cases were a specific sum of money shall be adjudged to be due, or any cost or damage be awarded, is declared equally applicable to the awards which may be made by Collectors under this Regulation.

Assistants to Collectors not competent to decide suits under this Regulation, unless specially empowered by the Governor General in Council.

XXI. In modification of Clause Three, Section VIII. Regulation IV. 1821, it is hereby declared that Assistants to Collectors are not competent to exercise the powers vested in Collectors by this Regulation, unless specially empowered by the Governor General in Council. When thus empowered, they shall be competent to decide suits referred to them by the Collector, subject always to such revision or control on his part as he may see fit to exercise, and subject ultimately to an appeal to the Commissioner of Revenue under the Provisions of Section IV. of this Regulation.

A. D. 1831. REGULATION IX.

A REGULATION *for the more speedy and efficient Administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut.—Passed by the Vice President in Council on the* 1*st November* 1831, *corresponding with the* 17*th Cartick* 1238 *Bengal Era; the* 11*th Cartick* 1239 *Fusly; the* 18*th Cartick* 1239 *Willaity; the* 12*th Cartick* 1888 *Sumbut; and the* 25*th Jumadee-ul-uwal* 1247 *Higeree.*

PREAMBLE.

WHEREAS the accumulation of appeals from the decisions and orders of the Civil and Criminal Courts subject to the controlling authority of the Sudder Dewanny Adawlut and Nizamut Adawlut, renders it expedient to enlarge the powers exercised in certain cases by single Judges of the latter Courts, with a view to the more prompt correction of any irregularity or errors which may be manifest in the Proceedings, Orders, or Judgments of the Courts of subordinate jurisdiction, in whatever mode or form such defect may be shewn to the satisfaction of the Court; and whereas it is necessary to modify the rules in force regarding the remuneration of Pleaders in certain cases, and also to amend the provisions relative to the transmission of original papers in appealed cases to the Court in which the appeal

appeal shall have been admitted, the following rules have been enacted to be in force from the date of their promulgation throughout the Provinces immediately subject to the Presidency of Fort William.

Single Judges of the Sudder Dewanny Adawlut declared competent to hold sittings of Court and to pass orders or judgments.

II. *First.* In modification of Sections VI. and VIII. Regulation XIII. 1810, or of any other Regulation in force, relating to separate sittings being held before, and the powers to be exercised by single Judges of the Sudder Dewanny Adawlut, it is hereby declared that it shall be competent to a single Judge of the Court to hold a sitting of Court, on all matters within the cognizance of the Sudder Dewanny Adawlut, and to pass orders or judgments in conformity to the Regulations, subject to the following Provisions.

To confirm decisions in appeal where no sufficient ground has been shewn to impugn the decision appealed against.

Second. In the trial of appeals, or on the hearing of any Petition of appeal from the decision or orders of any Court of inferior jurisdiction, if a single Judge of the Sudder Dewanny Adawlut shall be of opinion that no sufficient ground has been shewn to impugn the correctness or justness of such decision or order, it shall be competent to such single Judge, without reference to the order of the file, to confirm the same without requiring the attendance of the opposite party, and with or without a revision of the whole proceedings, as the nature of the case may appear to require.—On the other hand, if a single Judge shall be of opinion, that the decision or order appealed against ought to be altered or reversed, as being manifestly unjust, or at variance with some Regulation in force, or in opposition to the Hindoo or Mahomedan Law, or other Law applicable

Or to issue an injunction for a revision of the decision, pointing out defects.

applicable to the case, or as having been passed without sufficient investigation of the merits, or as grounded on an assumption obviously erroneous or irrelevant with reference to the points at issue, it shall likewise be competent to a single Judge to issue an injunction pointing out the irregularity, illegality, or other defect apparent in the proceedings, decision, or order appealed against, and requiring that the Court by which the same may have been held or passed shall revise the case, and proceed thereon, in such manner as may appear conformable to justice and to the Regulations.

Discretion vested in single Judge to call for Proceedings of the Lower Courts, or parts of them, as may seem advisable.

Third. A single Judge of the Sudder Dewanny holding a sitting under this Regulation, may exercise his discretion in calling for the proceedings of the Lower Courts, or such parts of them as may appear necessary, and may further order a report in English or Persian, as the occasion may render advisable, on any points requiring explanation, prior to passing a determination on the case, or matter in appeal.

Proviso.

Fourth. Provided however that if the decree or order appealed against shall have been passed in a regular suit or appeal after a full investigation of the merits, and the ultimate judgment to be passed on the case may rest on a mere difference of opinion as to the facts or evidence, or on a disputed or doubtful point of Law, or construction of any Regulation in force, it shall not be competent to a single Judge to alter or reverse such decree or order. In such cases the single Judge will be guided by the rules and practice heretofore in force. Excepting that in modification of Section V. Regulation IX. 1819,

A Single Judge may admit a special appeal of his own authority.

IX. 1819, it shall be competent to a single Judge, of his own authority, to admit a second or special appeal, if there shall appear grounds for it, under any of the provisions specified in Clause Second, Section IV. Regulation II. 1826.

And stay execution of judgment or order until final decision.

Fifth. It shall further be competent to a single Judge to direct that the execution of any judgment or order passed by an inferior Court, in all cases in which that measure may appear to him expedient, may be stayed until a final decision has been passed thereon.

In cases of difficulty or of importance, a single Judge may refer the case to two or more Judges after recording his own opinion.

Sixth. Provided however that nothing in the foregoing Clauses shall be understood to prohibit a single Judge in any case of difficulty or importance in which he may deem it expedient and proper that the matter at issue should be decided by two or more Judges of the Court from recording his own opinion thereon and referring the case to another Judge.

Subordinate Courts strictly enjoined to record the point or points at issue between the parties and the grounds of their judgment.

Seventh. To enable the Court of Sudder Dewanny Adawlut duly to exercise the powers hereby vested in them, the several Courts of subordinate jurisdiction are strictly enjoined to conform to those parts of the Regulations in force which require them to record the point or points at issue between the parties and the grounds on which their judgment or orders may be issued.

Cases of a miscellaneous nature other than Criminal Trials, not cognizable by the Nizamut Adawlut.

III. In modification of Section XXIV. Regulation IX. 1807, it is hereby declared that cases of a miscellaneous nature other than Criminal Trials, shall not be cognizable by the Nizamut

Nizamut Adawlut. In such miscellaneous cases an appeal shall lie from the Magistrate to the Commissioner of Circuit in his capacity of Superintendent of Police, whose decisions shall not be open to revision otherwise than on a regular suit in a Civil Court. Provided however, that nothing in this Section shall be held to preclude the Governor General in Council from issuing any orders that he may see fit consistently with the existing Regulations in any case that may be brought to his notice by the Nizamut Adawlut or otherwise.

Proviso.

IV. *First.* The following provisions are enacted for modifying the rules contained in Section VI. Regulation VIII. 1808, and Section XVII. Regulation XXV. 1814, or any other Regulation in force relative to separate sittings before single Judges of the Nizamut Adawlut.

Rules relative to separate sittings before Single Judges of the Nizamut Adawlut modified.

Second. It shall be competent to a single Judge of the Nizamut Adawlut, on a revision of the Proceedings held on any Criminal Trial by any Court of inferior jurisdiction, to reverse or alter the sentence or order passed thereon, provided such reversal or alteration be in favor of the accused, whether for acquittal, mitigation of punishment, or otherwise, and do not enhance the punishment to which he may have been sentenced.

And to reverse or alter the sentence in Criminal Suits if in favor of the accused.

Third. In pursuance of the object of the above Clause, and with a view to facilitate and expedite the disposal of business in the Nizamut Adawlut, it is further hereby provided, that whenever a Criminal Trial may be referrible to that Court by reason of the Commissioner of Circuit or Sessions Judge differing in opinion

In cases in which the Commissioner of Circuit may differ from his Law Officer, the Nizamut Adawlut to revise only so much of the proceedings as relate to the Prisoner or Prisoners in respect to whom the reference may be made.

opinion with his Law Officer as to the conviction or acquittal of one or more Prisoners included in the same trial, the sentence in which, in regard to the other Prisoners, may be within his competence under the Regulations in force, it shall be necessary for the Nizamut Adawlut, or for a single Judge of that Court, to revise only such parts of the proceedings on the trial as relate to the Prisoner or Prisoners in respect to whom the reference may be made. In such cases therefore the Commissioners of Circuit or Sessions Judges are required to pass such sentence as they may deem just and proper, and within their competence, in regard to those Prisoners whom they may convict or acquit, in concurrence with the Futwa of their Law Officers, and in their reference to the Nizamut Adawlut regarding any other Prisoners included in the same trial, they are enjoined to state specifically their opinion on the guilt or innocence of the Prisoners, with the grounds of their differing from the Futwa; as also to point out in their report, accompanying the trial, those parts of the proceedings and evidence which may affect the Prisoners in respect to whom the case is referred, for the consideration and sentence of the Nizamut Adawlut.

Duties of the Commissioner of Circuit in such cases.

Fourth. If a single Judge of the Nizamut Adawlut concur in opinion with the Commissioner of Circuit or Sessions Judge, whether for conviction or acquittal, it shall be competent to such single Judge to pass a final sentence, whatever may be the Futwa of the Law Officers of the Nizamut Adawlut, except for capital punishment, which as heretofore shall, in all cases, require the concurrent opinion of two Judges of the Court.

A single Judge concurring with the Commissioner may pass final sentence except for capital punishment, whatever may be the Futwa of the Law Officer of the Nizamut Adawlut.

Fifth. Provided

Fifth. Provided however that it shall not be competent to a single Judge to convict and sentence to punishment any Prisoner in opposition to the opinion of the Commissioner of Circuit or Sessions Judge, if the latter be for acquittal or otherwise in favor of the Prisoner.

But he is not competent to convict and punish against the opinion of the Commissioner if the latter is for acquittal or otherwise in favor of the Prisoner.

Sixth. In the cases above referred to, the Commissioners of Circuit or Sessions Judges will, as heretofore, suspend execution of any sentence of punishment they pass in concurrence with the Law Officer, until the final sentence or orders of the Nizamut Adawlut shall have been received upon the trial referred to that Court. Nothing in this Regulation being intended to preclude the Nizamut Adawlut from revising the whole proceedings in the cases in question, if there shall appear sufficient grounds for so doing.

In cases referred to the Nizamut Adawlut under the provisions of this Section, the Commissioner shall suspend execution of any sentence of punishment, until final orders of the Nizamut Adawlut.

Seventh. The rule contained in Clause Sixth, Section II. of this Regulation, regarding the powers to be exercised by a single Judge of the Sudder Dewanny Adawlut, is hereby declared to be equally applicable to the powers vested in single Judges of the Nizamut Adawlut.

The rule contained in Clause Sixth, Section II. of this Regulation, declared applicable to a single Judge of the Nizamut Adawlut.

V. Moreover it shall be competent to the Nizamut Adawlut, at their general English sittings, on a review of the abstract Statements of Prisoners punished without reference, to mitigate the sentence passed on any Prisoner, when such sentence may appear, on the Commissioner's own shewing of the facts, manifestly illegal or too severe, and it shall not be necessary for the Court to call for the Proceedings in such cases, unless they shall

Nizamut Adawlut declared competent to mitigate sentence without calling for proceedings in certain cases—

see

And to annul sentence—and order a new sentence to be passed according to Law.

see special reasons for so doing. It shall further be competent to the Court in like manner to annul the sentence passed in any case when such sentence may be in opposition to any Law or Regulation in force, and to require the Commissioner to pass a new sentence according to Law.

The powers and authority vested in single Judges by the foregoing provisions, declared to extend to all cases depending on the date of the promulgation of this Regulation.

VI. The powers and authority vested by the foregoing provisions in single Judges of the Sudder Dewanny Adawlut and Nizamut Adawlut, are hereby declared to extend and to be applicable to all cases of whatever nature that may be depending before those Courts at the date of the promulgation of this Regulation.

Pleaders authorized to settle with their constituents for their compensation in certain cases.

VII. *First.* In modification of the provisions contained in Clause Seventh, Section II. and Clause Eleventh, Section III. Regulation XXVI. of 1814, and Sections XXIV. XXXIV. and XXXV. Regulation XXVII. of 1814, Pleaders are hereby authorized, in all applications for the admission of Special and Summary Appeals, as well as in all other cases where the Regulations do not require the fees of Vakeels to be deposited in Court, to settle with their constituents, the compensation to be made them for presenting such application or petition and performing any other act connected therewith.

Such compensation to be specified in the Vakalutnamah, and in no case to exceed one-fourth the amount of fee of a regular suit.

Second. The amount of the compensation which may be voluntarily agreed upon shall be specified in the Vakalutnamah, and shall in no case exceed one-fourth of the amount of the fee to which the Pleader would have been entitled if the matter at issue had been brought forward in a regular suit.

Third. It

× Rescinded by Act 1 of 1846.

Third. It shall be competent to the Court to which the application may be preferred, to order the amount of the compensation above authorized to be reduced, should it in any instance appear to be unnecessarily large or exorbitant. The Court in which the application may be preferred, declared competent to reduce the compensation.

Fourth. With a view to prevent the unnecessary occupation of the time of the Public Officers in such matters, it shall not be necessary in cases of the nature above specified, for the Courts of Justice to issue any orders or process for the realization of the amount receivable by Pleaders under the foregoing rules. Provided however, that when it may appear just and proper to award the recovery from another party of the remuneration paid to a Pleader in such cases, or of any part thereof, the Court passing the order shall be competent to direct the amount to be levied from the said party in the manner prescribed for the execution of Decrees. The issue of any order or process for the realization of Pleaders' fees, declared unnecessary. Proviso.

VIII. The rules contained in Section XIII. Regulation V. and in Section XI. Regulation VI. 1793, are hereby modified. In transmitting the record in cases of appeal as therein provided, it shall be sufficient for the Zillah or City, or Provincial Courts, as the case may be, to transmit the original pleadings, depositions, and exhibits filed in the case with a list of them, and it shall not be necessary, in the first instance, to transmit the applications and processes for the attendance of Witnesses, the returns of the Nazir and other miscellaneous Papers and Proceedings not material to the trial of the appeal. Provided however, that it shall at all times be competent to the Court to which the appeal shall have been made, to call for such miscellaneous Rules relating to the transmission of records in cases of appeal, modified. Proviso.

miscellaneous Papers, or to direct the parties to produce copies of the same, should the Court think it necessary to refer to them.

In all cases which require a decision by majority, the Calcutta Courts of Sudder Dewanny and Nizamut Adawlut, declared competent to refer the question to a Judge of those Courts in the Western Provinces.

IX. Whenever and so often, as there may be four Judges present at the Courts of Sudder Dewanny and Nizamut Adawlut at Calcutta, and there may be an equality of voices in cases which require a decision by the majority, it shall be competent to the Court to refer the question for decision to a Judge of the Sudder Dewanny or Nizamut Adawlut (as the case may be) in the Western Provinces, and it shall be sufficient that the Judge to whom the point may be referred shall form and record his judgment on a careful perusal and consideration of the Proceedings, and without requiring the attendance of the parties or their Vakeels.

The whole of the provisions of this Regulation declared applicable to the Courts of Sudder Dewanny and Nizamut Adawlut for the Western Provinces.

X. The whole of the provisions contained in this Regulation shall be held equally applicable to the Courts of Sudder Dewanny and Nizamut Adawlut for the Western Provinces, as to those Courts stationed at the Presidency.

A. D. 1831. REGULATION X.

A REGULATION *for vesting in a Deputation from the Sudder Board of Revenue, to be ordinarily stationed at Allahabad, the exclusive controul over the Revenue Affairs of the Province of Benares, the Ceded and Conquered Provinces, including the Districts of Meerut, Saharunpore, Moozuffernuggur, and Bolundshuhur, which are now subject to the Chief Commissioner at Dehli, the Province of Kumaoon, and the Saugor and Nerbudda Territories.—Passed by the Vice President in Council on the* 1*st November* 1831, *corresponding with the* 17*th Cartick* 1238 *Bengal Era; the* 11*th Cartick* 1239 *Fusly; the* 18*th Cartick* 1239 *Willaity; the* 12*th Cartick* 1888 *Sumbut; and the* 25*th Jumadee-ul-uwal* 1247 *Higeree.*

PREAMBLE.

WHEREAS it appears requisite for the efficient Superintendence of the Settlements now in progress in the Western Provinces, and generally for the due Superintendence of the Revenue arrangements in those remote Dependencies, to provide for the temporary Deputation of one or more Members from the Sudder Board, to be ordinarily stationed at Allahabad, and to possess exclusive controul in those matters over the tracts of Country placed under their management; and whereas it is necessary

necessary for this purpose to divest the Members of the Sudder Board, who may be stationed at the Presidency, of all power and authority within the tracts in question, the following Rules have been enacted to be in force from the 1st of January 1832, throughout the Provinces immediately subject to the Presidency of Fort William.

So much of Section IV. Regulation I. 1829, as provides that the Commissioners of Revenue shall be placed under the Sudder Board, and extends the jurisdiction of that Board over all the Divisions, modified.

II. So much of Section IV. Regulation I. 1829, as provides that the several Commissioners of Revenue shall be subject to the controul and direction of a Sudder or Head Board, whose jurisdiction is declared to extend over the whole of the Divisions specified in that Regulation, with the exception of the tracts of Country exempted from such jurisdiction by Clause Second, Section IX. is modified as follows.

Governor General in Council declared competent to depute one or more Members of the Board to be stationed at Allahabad, and to exercise exclusive controul and direction over the Revenue Affairs of the tracts hereinafter mentioned.

III. It shall be competent to the Governor General in Council to depute one or more Members of the Sudder Board, to be ordinarily stationed at Allahabad, and to exercise exclusive controul and direction over the Revenue Affairs of the tracts hereinafter mentioned, in like manner as is now exercised by the Sudder Board at the Presidency.

So much of Clause Second, Section IX. Regulation I. 1829, as vests the Resident of Delhi with powers of Sudder Board, in the Districts specified, rescinded.

IV. So much of Clause Second, Section IX. Regulation I. of 1829, as declares that the Resident of Delhi shall possess and exercise within the Districts of the Northern Doab, Saharunpore, Moozuffernuggur, Meerut and Boolundshuhur, the same powers which are in other parts of the country exercised by the Sudder Board, is hereby rescinded.

V. The

V. The jurisdiction of the Sudder Board on Deputation, shall comprise the tracts of Country situated within the 1st to the 9th Divisions inclusive, containing the Districts specified in Section II. Regulation I. 1829, together with the Province of Kumaoon, and the Saugor and Nerbudda Territories.

Jurisdiction of the Sudder Board on Deputation defined.

VI. From and after the date of the promulgation of this Regulation, the Sudder Board of Revenue at the Presidency and the Chief Commissioner at Dehli, shall cease to exercise any interference with or controul over the Divisions and tracts specified in the preceding Section. Provided however, that the Sudder Board of Revenue stationed at the Presidency, shall complete the decision of all cases now actually before them in appeal or which may be appealed to them before the date fixed for the operation of this Regulation, and shall be competent to do and order all things necessary to the investigation and decision of the cases, or to the execution of such of their decrees or orders as may be in train of execution; excepting in cases in which the appellant may pray to have his case immediately transferred to the Sudder Board on Deputation.

The interference and controul of the Presidency Sudder Board and of the Chief Commissioner at Dehli over the tracts specified in the preceding Section, to cease on the promulgation of this Regulation.

Proviso.

VII. In the conduct of the Revenue duties of the tracts of Country composing the Province of Kumaoon, and the Saugor and Nerbudda Territories, as well those relating to the Customs, Abkarree, Stamps, and other miscellaneous items, as to the Land Revenue, the local authorities shall observe the rules and principles of the general Regulations, with such limitations and restrictions as may be provided in the instructions they may receive from the Sudder Board on Deputation, or the Governor General in Council.

In the conduct of the Revenue duties of Kumaoon, and the Saugor and Nerbudda Territories, the rules and principles of the Regulations shall be observed by the local authorities.

VIII. The

All the powers and authority vested in the Sudder Board at the Presidency, declared to belong to the Members of that Board on Deputation.

VIII. The whole of the powers and authority now vested in the Sudder Board at the Presidency, are hereby declared to belong to the Members on Deputation, within the tracts subject to their controul, so long as this Regulation shall remain in force, who shall also be guided in their official proceedings by the existing rules applicable to that Board, subject to such restrictions and provisions as the Governor General in Council may prescribe.

Rule of proceeding in cases requiring a concurrence of two voices.

IX. Whenever, and so often, as the number of Members present with the Board on Deputation, shall be reduced to one, or when two shall be present, and a difference of opinion arise in regard to any matter which under the existing Regulations may require the concurrence of two voices, the question shall be referred for determination to the Sudder Board at the Presidency.

A similar rule to be applicable to the Sudder Board at the Presidency.

X. In like manner, whenever, and so often, as the number of Members present with the Sudder Board at the Presidency, shall be reduced to one, or when two shall be present, and a difference of opinion arise in regard to any matter which under the existing Regulations may require the concurrence of two voices, the question shall be referred for determination to the Sudder Board on Deputation. And in both cases the decree, award, or order in the matter referred, shall be made according to the resolution of the majority of the Members.

Governor General in Council may authorize a single Member of either Board to exercise individually, all

XI. *First.* Nothing however contained in this Regulation shall be constructed to bar the competency of the Governor General

General in Council, by an Order in Council, to authorize a single Member of the Sudder Board, either at the Presidency or on Deputation, to exercise either generally or locally within the limits of their respective jurisdictions, all the duties, powers and authority, which are vested in those Boards collectively, whenever circumstances may render such an arrangement desirable.

the powers and authority vested in the Boards collectively.

Second. It shall further be competent to the Governor General in Council to fix the Station at which the Sudder Board on Deputation shall reside, at such place within the Territories belonging to this Presidency, as may from time to time be deemed expedient.

And may fix the Station of the Deputation Board at such place as may from time to time be deemed expedient.

A. D. 1831. REGULATION XI.

A REGULATION *for vesting Tehsildars in certain cases with the Powers of Police Officers.—Passed by the Vice President in Council on the* 1*st November* 1831, *corresponding with the* 17*th Cartick* 1238 *Bengal Era; the* 11*th Cartick* 1239 *Fusly; the* 18*th Cartick* 1239 *Willaity; the* 12*th Cartick* 1888 *Sumbut; and the* 25*th Jumadee-ul-uwal* 1247 *Higeree.*

PREAMBLE. WHEREAS by Regulation IV. 1821, the Collectors of Land Revenue, or other persons exercising their powers, are, in certain cases, authorized to perform the duties of Magistrates; and whereas, with a view to improve the efficiency of the Police, it is expedient that in Districts of the Ceded and Conquered Provinces in which Tehsildary Establishments are maintained, subject to the authority of the Collectors, the Governor General in Council be empowered, by an Order in Council, to vest the Tehsildars with the powers at present exercised by Darogahs of Police; and whereas it is expedient to modify the existing Regulations regarding the removal of Police Officers, the following Rules have accordingly been enacted to be in force from the date of their promulgation throughout the Provinces aforesaid.

II. It

The Governor General in Council deemed competent to authorize any Tehsildar to exercise the powers vested in Darogahs of Police, and the Thannah and Village Police Establishments to be subordinate to his control as Chief Police Thannadar.

II. It shall be competent to the Governor General in Council, by an Order in Council, to authorize any Tehsildar or Tehsildars to exercise the powers vested by the existing Regulations in Darogahs of Police, and to determine the local limits of their Police jurisdictions, within which all Officers of Police, including the present Thanna and Village Police Establishments, shall be subordinate to, and subject to the control of the Tehsildar in his capacity of Chief Police Thannadar.

Where the arrangement may take effect, the Darogah of such place shall be designated Naib Darogah.

III. Wherever the above arrangement may have effect, the individuals at present filling the office of Darogah, shall be designated Naib Darogah, and they shall be guided in every respect by the rules laid down in Section VI. Regulation XX. 1817, the present Thannahs being considered as Outposts, and the powers and duties of the Police Officers employed at Outposts, as defined in the Section above quoted, shall be held applicable to such Naib Darogahs.

Section IV. Regulation XX. 1817, modified.

IV. In modification of Section IV. Regulation XX. 1817, it is hereby declared competent to the Darogah and Tehsildar, with the sanction of the Magistrate, to make such disposition of the existing Police Establishments as may be most conducive to the public interests, but with this exception, the whole of the rules contained in the above Regulation, shall be held applicable to the Tehsildars who may be constituted Police Officers under this Regulation.

Tehsildars vested with the powers of Darogahs may employ in aid of their Police Establishments.

V. The Tehsildars who may be vested with the powers of Darogahs under this Regulation, are authorized to employ when necessary

necessary, in aid of the regular Police Establishments, any Chuprassies or other persons entertained on their fixed Tehsildary Establishments, and Revenue Officers when so employed, shall be guided in the discharge of their Police duties by all the rules now in force, or which may hereafter be enacted for the guidance of the Police Officers. But the fixed Thannah Establishments shall not be employed in the collection of the Land Revenues, or in other Revenue duties, except in cases of distraint for arrears of Rent or Revenue, or such other occasions as by the Regulations in force is now authorized.

lishments any Chuprassies or other persons on their fixed Tehsildary Establishments.

VI. Whenever the Governor General in Council shall see fit to carry into effect the arrangement herein authorized in any District or part of a District, a statement shall be drawn out specifying the number and extent of the several Police and Revenue jurisdictions, the names and numbers of the Officers attached to them, and the Head Quarters or Thannahs, and the Outposts of the several Divisions: this statement shall be drawn out in English, Persian and the vernacular dialects, and suspended in a conspicuous place in the Cutcherry of the Collector and Magistrate at the Sudder Station, and shall be published by proclamation throughout the District.

A Statement to be drawn out and proclaimed in the District where the arrangement authorized by the present Regulation may be carried into effect.

VII. In any District in which the provisions of this Regulation may be carried into effect, it shall be the duty of the Magistrate and Collector to report to the Governor General in Council, from time to time, any reductions which can be effected in the existing Police Establishments, and on the occurrence of any vacancy in the office of Naib Darogah, such office shall

Magistrates and Collectors to report to Government any reductions which can be effected in the Police Establishments in the District in which the provisions of this Regulation may be carried into effect, and on the occurrence of any vacancy in the Office of Naib Darogah, the appointment is not to be filled up.

shall not be filled up, but its duties shall devolve on the Jemadar of the Outposts, or such other Subordinate Officer as may be deemed, by the Magistrate and Collector, competent thereto, whether belonging to the Establishment of the Tehsildar or to the Original Police Establishment.

Section VII. Regulation XVII. 1816, modified.

VIII. In modification of the provisions contained in Section VII. Regulation XVII. 1816, it is hereby declared that the appointment and removal of Police Officers shall rest with the Magistrate, subject to the orders of the Commissioner of Circuit, or other Officer vested with the power of Superintendent of Police, whose decision shall be final, unless the Governor General in Council shall see reason to issue special orders on any case which may be brought to his notice.

TITLES

OF THE

REGULATIONS,

PASSED IN THE YEAR

1832.

REGULATION I.

A REGULATION *for suspending the operation of the Laws and Regulations within the limits of the Jagheer assigned to the Maharajah Bajee Row Bahadoor, and for defining the mode of address to be used in communications to the Maharajah.* —*Passed by the Vice President in Council on the 7th February,* 1832.

REGULATION II.

REGULATION II.

A REGULATION *for the better administration of Criminal Justice and the Police in certain cases.—Passed by the Vice President in Council on the* 14*th February*, 1832.

REGULATION III.

A REGULATION *for extending the provisions of Regulation X.* 1811.—*Passed by the Vice President in Council on the* 13*th March*, 1832.

REGULATION IV.

A REGULATION *for declaring and explaining the meaning and intention of Section XLI. Regulation X.* 1819.—*Passed by the Vice President in Council on the* 13*th March*, 1832.

REGULATION V.

A REGULATION *for annexing the Dehli Territory to the Jurisdiction of the Courts of Sudder Dewanny and Nizamut Adawlut, and the Sudder Board of Revenue at Allahabad. —Passed by the Vice President in Council on the* 29*th May*, 1832.

REGULATION VI.

A REGULATION *for enabling European Functionaries to avail themselves of the assistance of respectable Natives in the Administration of Civil and Criminal Justice, and for modifying or dispensing with Futwas by Mahomedan Law Officers in certain trials.—Passed by the Vice President in Council on the* 31*st July*, 1832.

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REGULATION VII.

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OF THE

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TO THE

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OF

1832.

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SLAVES.
SALT.
DEHLI TERRITORY.
NATIVE JURORS.
SUDDER AMEENS.
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A. D. 1832. REGULATION I.

A REGULATION *for suspending the operation of the Laws and Regulations within the limits of the Jagheer assigned to the Maharajah Bajee Row Behadoor, and for defining the mode of address to be used in communications to the Maharajah.—Passed by the Vice President in Council on the 7th February* 1832, *corresponding with the 26th Maug* 1238 *Bengal Era; the 21st Maug* 1239 *Fussly; the 27th Maug* 1239 *Willaity; the 6th Maug* 1888 *Sumbut; and the 4th Rumzan* 1247 *Higeree.*

PREAMBLE.

WHEREAS a tract of Land situated near the Town of Bithoor, in the District of Cawnpore, has been granted by the British Government as a Jagheer, during pleasure, to the Maharajah Bajee Row Behadoor, for the residence of himself and followers—and Whereas it is deemed expedient that the operation of the Laws and Regulations, and the jurisdiction of the Civil and Criminal Courts of Judicature should cease to extend to that Jagheer, the following Rules have been enacted, to be in force from the date of this Regulation.

II. From

Jurisdiction of the Courts and the operation of the Regulations not to extend to the Jagheer granted to the Maharajah Bajee Row in Cawnpore, from the date of this Regulation.

II. From and after the date of this Regulation, the jurisdiction of the Courts of Civil and Criminal Judicature, and the operation of the General Regulations, shall not extend to the tract of Land aforesaid, the limits of which have been accurately marked out and defined, and are recorded in the Office of the Magistrate of Cawnpore.

Power of the Maharajah to exercise Civil and Criminal Administration of the Jagheer, under certain restrictions.

III. The Maharajah Bajee Row will exercise the Civil and Criminal Administration of the Jagheer, subject to such controul and restrictions, as may be from time to time prescribed by the Governor General in Council in the Political Department.

Persons residing within the limits of the Jagheer to be regarded as adherents and retainers of the Maharajah, and any questions as to their right of jurisdiction, to be referred to the Commissioner with the Maharajah.

IV. Every person residing within the limits of the Jagheer constituted by this Regulation, is to be regarded an adherent and retainer of the Maharajah; and in the event of any question arising as to the right of jurisdiction over a person claiming to be so considered, or the reverse, the question shall be referred to the Commissioner with the Maharajah, and his decision thereupon shall be held final and conclusive.

Courts of Criminal Justice not precluded from taking cognizance of Crimes or Offences beyond the defined limits of the Jagheer, committed by any of the Maharajah's followers or adherents.

V. Nothing in this Regulation shall be construed to preclude the Courts of Criminal Justice from taking cognizance under the existing Rules and Regulations of any Crimes or Offences, which may be committed in the District of Cawnpore, or in any other part of the British Territory, beyond the defined limits of the Jagheer, by any of the Maharajah's followers or dependents.

Channel of communication with the Maharajah to be observed.

VI. References or applications from the Officers of Government

Government, on matters connected with their respective public duties, shall be transmitted to the Maharajah through the channel of the Commissioner, who will, without loss of time, make the necessary communication to the Maharajah, and forward his answer to the Officer from whom the communication may have been received.

What Regulations to be applicable to Native British subjects who may be charged with Crimes committed within the limits of the Jagheer.

VII. The provisions of Regulation V. 1809, Regulation VIII. 1813, Section VI. Regulation I. 1823, and Regulation VIII. 1829, are hereby declared to be applicable to Native subjects of the British Government who may be charged with Crimes and Misdemeanours, committed within the limits of the Jagheer.

A. D. 1832. REGULATION II.

A REGULATION *for the better administration of Criminal Justice and the Police in certain cases.— Passed by the Vice President in Council on the 14th February 1832, corresponding with the 3rd Phaugun 1238 Bengal Era; the 28th Maug 1239 Fusly; the 4th Phaugun 1239 Willaity; the 13th Maug 1888 Sumbut; and the 11th Rumzan 1247 Higeree.*

WHEREAS it is deemed expedient to modify the provisions contained in Sections XIII. and XV. Regulation XX. 1817, and Section VII. Regulation XII. 1818, which require the Darogahs and other Police Officers to hold local inquiries into all cases of Burglary and Theft, and which invest them with a discretionary power in the apprehension of offenders in certain cases; and Whereas it will render the services of the Law Officers of the Zillah and City Courts and Sudder Ameens more efficient in the administration of Criminal Justice, to invest them with the power of sentencing to labor persons convicted of PREAMBLE.

of petty Theft, in cases referred to them for trial under the provisions of Section III. Regulation III. 1821; and Whereas doubts have arisen whether the Salary and Allowance made to Sudder Chowkeedaree Bukshees by Section XV. Regulation XXII. 1816, can be charged to the Assessment levied for the maintenance of the Subsidiary Police Establishments under the provisions of that Regulation; the following Rules have been enacted by the Vice President in Council, to be in force from the date of their promulgation within the Territories immediately subject to the Presidency of Fort William.

Provisions of former Regulations for the conduct of Police Officers modified.

II. *First.* The provisions contained in Sections XIII. and XV. Regulation XX. 1817, and Section VII. Regulation XII. 1818, for the conduct of Police Officers, are hereby declared subject to the following modifications.

Darogahs or other Police Officers not to make local inquiry in cases of Burglary and Thefts, when unattended with personal violence, or to apprehend persons suspected of such offences, unless a Petition on unstamped Paper shall be presented to them for the purpose, or by an express order from the Magistrate or Joint Magistrate.

Second. In cases of Burglary and Thefts, unattended with personal violence, it shall not be lawful for Darogahs or other Police Officers to make the local inquiry heretofore required by Sections XIII. and XV. Regulation XX. 1817, or to apprehend persons suspected of such offences unless a Petition on unstamped Paper shall be presented to them by an individual injured, requesting that a search may be made for property stolen, or that the offender or offenders may be brought to punishment, or unless an express order to adopt measures for those purposes shall be received by them from the Magistrate or Joint Magistrate to whom they may be subordinate.

Extension of the powers of Law

III. In extension of the powers vested in the Law Officers

of

of the Zillah and City Courts, and in the Sudder Ameens, by Sections III. and IV. Regulation III. 1821, and Principal Sudder Ameens by Clause 6, Section XVIII. Regulation V. 1831, it is hereby declared that in all cases of petty Theft referred to them for trial it shall be competent to those Officers to sentence persons, convicted before them of that offence, to labor, in addition to the corporal punishment and temporary imprisonment which they are authorized to adjudge by the provisions of the Regulations above mentioned.

Officers, Principal Sudder Ameens, and Sudder Ameens to sentence persons convicted of petty Theft, to labor, in addition to corporal punishment and temporary imprisonment.

IV. With reference to Section XV. Regulation XXII. 1816, it is hereby declared that the fixed monthly Salary and Allowance made to Sudder Chowkeedaree Bukshees for the provision of Stationery, and materials for keeping the prescribed Records appertaining to the Subsidiary Police Establishments, shall be defrayed from the amount of the Assessment levied in the several Cities and Towns for the maintenance of those Establishments respectively.

Salary and Allowance of Chowkeedaree Bukshees to be defrayed from the amount of the Assessment levied for the maintenance of the Subsidiary Police Establishments.

A. D. 1832. REGULATION III.

A REGULATION *for extending the provisions of Regulation X.* 1811.—*Passed by the Vice President in Council on the* 13*th March* 1832, *corresponding with the* 2*d Cheyte* 1238 *Bengal Era; the* 26*th Phaugun* 1239 *Fusly; the* 3*d Cheyte* 1239 *Willaity; the* 12*th Phaugun* 1888 *Sumbut; and the* 9*th Shawaul* 1247 *Higeree.*

PREAMBLE.

WHEREAS in consequence of the extension of the possessions held under the Presidency of Fort William, subsequent to the enactment of Regulation X. of 1811, prohibiting the importation of Slaves from Foreign Countries, a doubt has arisen whether the Provisions of that Regulation can be held to apply to cases of Slaves removed from any part of the British possessions acquired subsequently to the passing of that Regulation, into any part of those then held under the said Presidency: with a view to the removal of any such doubt, and also with a view to the entire prohibition of the removal of Slaves for purposes of traffic from one part of the British Territories to another, the following Rules are enacted to be in force from the date of their promulgation.

II. *First.*

Slaves removed for purposes of traffic from any Province, British or Foreign, into any Province subject to the Presidency of Fort William, or from one Province so subject into another, considered free.

II. *First.* All Slaves who, subsequently to the enactment of Regulation X. 1811, have been or may hereafter be removed by Sea or Land, for purposes of traffic from any Country, Territory, or Province, British or Foreign, into any Province now dependent, or that may become hereafter dependent on the Presidency of Fort William, subsequently to the date on which it has or may become so dependent, or who have been or may be so removed from one Province that now is or may hereafter become dependent on the Presidency of Fort William, into any other Province that now is or may hereafter become dependent, subsequently to the dates on which they respectively have or may become dependent, are hereby declared free.

Penalty for selling as a Slave a Man, Woman, or Child, so removed.

Second. After the promulgation of this Regulation, all persons concerned in the sale or purchase as a Slave of any Man, Woman, or Child, so removed, knowing him or her to have been so removed, on conviction thereof before a Magistrate, shall be liable to be sentenced to imprisonment for the period of Six Months, and to pay a fine to Government according to their circumstances in life, not exceeding the sum of Rupees Two Hundred, commutable, if not duly discharged, to imprisonment for the further period of Six Months, on the expiration of the former part of the sentence.

A. D. 1832. REGULATION IV.

A REGULATION *for declaring and explaining the meaning and intention of Section XLI. Regulation X.* 1819.—*Passed by the Vice President in Council on the 13th March* 1832, *corresponding with the 2d Cheyte* 1238 *Bengal Era; the 26th Phaugun* 1239 *Fusly; the 3d Cheyte* 1239 *Willaity; the 12th Phaugun* 1888 *Sumbut; and the 9th Shawaul* 1247 *Higeree.*

PREAMBLE. WHEREAS it is provided in Section XLI. Regulation X. 1819, that "if any person shall attempt to transport within "the limits specified in Clause First, Section XXXVI. of this "Regulation, by land or by water, under a Ruwana, Chellaun, "Renewed or Exchange Ruwana, Utrafee Ruwana, or Special "Pass from the Board of Customs, Salt and Opium, a greater "quantity of Salt than shall be specified in the Ruwana or other "Document aforesaid, the excess so attempted to be transported, "as well as the quantity specified in the Ruwana or other "Document aforesaid, shall, if the surplus be found on weighing "to exceed two and a half per Cent. on the quantity so specified, "be held to be contraband, and shall be seized and confiscated

"as

" as such; and the Gomastah or other person in charge of the " Salt shall, on proof of the fact, be subject to a fine of Ten " Rupees for every Maund of Salt, in excess of the quantity " stated in the Ruwana or other Document aforesaid;" and Whereas doubts have been entertained whether in case of a dispatch being conveyed in several parcels or Boat loads, with a separate Chullaun for each, besides the general Ruwana for the whole, as required by Section XXXVI. of the said Regulation, to be taken out for such a dispatch, and of the quantity being found excessive beyond the limit above stated, the penalty of confiscation is incurred by the entire dispatch or only by the particular parcels or Boat loads, the *Chullauns* of which are found deficient compared with the actual quantity therein contained; and it being deemed necessary to prevent any misconstruction on this point, the following Rules have been established to declare the meaning and intent of the said Section of the Regulation in question, and to take effect from the date of promulgation throughout the Provinces subject to the Presidency of Fort William.

The Ruwana, Renewed, Exchange, or Utrafee Ruwana, or Special Pass, declared to be the protective Documents with the exception specified.

II. It is hereby declared and provided, in explanation of the Rule contained in Section XLI. Regulation X. 1819, that protection for Salt in transport within the limits of the Chokees established in Bengal and Orissa against the penalties enacted for the contraband or illicit conveyance thereof is given by the Ruwana, Renewed, Exchange, or Utrafee Ruwana, or Special Pass issued by the Board of Customs, Salt and Opium, and by no other Document, except in case of the transport of small quantities not exceeding one hundred maunds under a Char Chittee

as provided in Clauses Five and Six, Section XXXVI. Regulation X. 1819. The liability of Salt to confiscation, or to other penalties, shall be determined therefore by the Document aforesaid, independently of any Chullauns or other subsidiary Documents, also required to be taken out and exhibited under separate Rules applicable thereunto. And in case of any question arising whether Salt is liable to confiscation under the Rule contained in Section XLI. of the Regulation above cited, by reason of an excess of quantity being found upon weighing the same, the comparison shall be made of the total quantity in the whole dispatch with the quantity specified in the Ruwana, Renewed, Exchange, or Utrafec Ruwana, or Special Pass, as the case may be, covering the same, and confiscation shall be adjudged of the whole dispatch, or the same shall be released according to the result of such comparison. Provided however that nothing herein contained shall be construed to exempt persons engaged in the transport of Salt, from the necessity of taking out Chullauns also under the Rules applicable to such papers, or to remit the penalties enacted for the omission, or for any irregularity therein.

The liability of Salt to confiscation or to other penalties to be determined therefore independently of any Chullauns or other subsidiary Documents.

Persons engaged in the transport of Salt nevertheless to take out Chullauns under the Rules applicable to such papers, and to be liable to the existing penalties for the omission or for any irregularity therein.

A. D. 1832. REGULATION V.

A REGULATION *for annexing the Dehli Territory to the Jurisdiction of the Courts of Sudder Dewanny and Nizamut Adawlut, and the Sudder Board of Revenue at Allahabad.—Passed by the Honorable the Vice President in Council on the 29th May*, 1832, *corresponding with the* 17*th Jeyte* 1239 *Bengal Era; the* 15*th Jeyte* 1239 *Fusly; the* 18*th Jeyte* 1239 *Willaity; the* 14*th Jeyte* 1889 *Sumbut; and the* 27*th Zehejja* 1247 *Higeree.*

CIRCUMSTANCES connected with the interests of other Departments of the Public Service having rendered it expedient to abolish the Office of Resident and Chief Commissioner at Dehli, and there being consequently no Court of ultimate resort for the final disposal of Civil and Criminal cases, or for purposes of general Judicial controul, and no authority for the superintendence of the Revenue affairs which have been heretofore under the cognizance of that Officer; and the establishment of a Court of Sudder Dewanny and Nizamut Adawlut, as well as of a Branch of the Sudder Board of Revenue at Allahabad, having removed the objection on the score of distance which required PREAMBLE.

required that those Districts should be placed under the Jurisdiction of a distinct Officer, it has been deemed proper to vest the Judicial and Revenue controul of the Districts in question in the Sudder Dewanny and Nizamut Adawlut and the Sudder Board of Revenue at Allahabad respectively. The following Rules have been enacted by the Vice President in Council to be in force in the Dehli Territory from the date of promulgation.

The administration of the Revenue, of the Police, and of the Civil and Criminal Justice in the Dehli Territory, to be in future vested in the Sudder Board of Revenue at Allahabad and in the Courts of Sudder Dewanny and Nizamut Adawlut for the Western Provinces.

II. The administration of the Revenue, of the Police, and of Civil and Criminal Justice which has heretofore been superintended by the Resident and Chief Commissioner at Dehli, is hereby declared from and after the date of the promulgation of this Regulation to be vested, as regards Civil matters, in the Court of Sudder Dewanny Adawlut, as regards Criminal matters, in the Court of Nizamut Adawlut, and as regards Revenue matters, in the Sudder Board of Revenue at Allahabad; and all cases actually pending before the Resident and Chief Commissioner at Dehli on the date of the promulgation of this Regulation, shall be transferred to one or other of the three Departments above specified, as the subject may refer to one or the other of those Departments.

The Commissioner of the Dehli Territory and all other Officers, acting under his controul, shall conform to the spirit of the Regulations, and shall furnish the Courts and Sudder Board at Allahabad with reports and statements.

III. In the conduct of Civil and Criminal trials, in the administration of the Revenue, and in all other matters, the Commissioner of the Dehli Territory, and all other Officers acting under his controul, shall ordinarily conform to the principles and spirit of the Regulations applicable to such subjects, and shall regularly furnish to the Sudder Dewanny and Nizamut Adawlut,

Adawlut, and the Sudder Board of Revenue at Allahabad, all such statements and reports as are prescribed by the existing Regulations to be submitted by the Commissioner of Revenue and Circuit, or as may be specially prescribed in future by the authorities to whom, by this Regulation, they are declared to be subordinate.

The Governor General in Council shall be competent to introduce into the Dehli Territory, the whole or any part of the Regulations in force.

IV. Provided moreover, that it shall be competent to the Governor General in Council, whenever it may be deemed expedient, to introduce the whole or a part of the Regulations in force into the Dehli Territory, and that an order or resolution of Government, under the official signature of the Secretary, shall be sufficient authority for that purpose.

A. D. 1832. REGULATION VI.

A REGULATION *for enabling European Functionaries to avail themselves of the assistance of respectable Natives in the Administration of Civil or Criminal Justice, and for modifying or dispensing with Futwas by Mahomedan Law Officers in certain trials.—Passed by the Vice President in Council on the* 31*st July* 1832, *corresponding with the* 17*th Sawun* 1239 *Bengal Era; the* 19*th Sawun* 1239 *Fusly; the* 18*th Sawun* 1239 *Willaity; the* 4*th Sawun* 1889 *Sumbut; and the* 2*d Rubee-ul-uwal* 1248 *Higeree.*

PREAMBLE.

IT is considered desirable to enable the European Functionaries who preside in the Courts for the administration of Civil or Criminal Justice to avail themselves of the assistance of respectable Natives in the decision of suits or the conduct of trials, which may come before them. It is also offensive to the feelings of many persons who are subject to the Government of this Presidency and do not profess the Mahomedan faith, to be liable to trial and punishment under the provisions of the Mahomedan Criminal Code. The Regulations which have

have from time to time been passed by the Government render it unnecessary any longer to maintain that form of trial towards such persons, and it is therefore proper that it should be modified. The power given to single Judges of the Courts of Nizamut Adawlut to overrule the Futwas delivered by their Mahomedan Law Officers in Criminal trials that may come before them supersedes the necessity for requiring the delivery of a Futwa in all such cases, or for any longer maintaining the same number of Officers of that description. With reference to these objects the following Rules have been enacted to have effect throughout the Provinces subject to Fort William.

The Governor General in Council declared competent to invest any European Officer presiding in a Civil Court, with the powers specified in the following Section of this Regulation.

II. The Governor General in Council is hereby declared competent to grant the powers specified in the following Section of this Regulation to any European Officer presiding in a Court for the administration of Civil Justice, such powers to be exercised either in any particular suit, in any specified District, or generally by such Officer in any suits that may come before him, and in any part of the country where he may be employed. Provided that it shall always be competent to the Governor General in Council to revoke and annul the grant of such powers whenever he may see sufficient cause for so doing.

And to revoke and annul the grant of such powers, whenever he may see sufficient reason for so doing.

Europeans presiding in Civil Courts, when thus empowered, may avail themselves of the assistance of respectable Natives in the trial of suits.

III. *First.* In the trial of Civil suits, original or appeal, it shall be competent to every Court, in which an European Officer thus empowered presides, to avail itself of the assistance of respectable Natives in either of the three following ways.

Second.

Second. First, by referring the suit, or any point or points in the same to a Punchaet of such persons, who will carry on their enquiries apart from the Court and report to it the result. The reference to the Punchaet and it's answer shall be in writing, and shall be filed in the suit. As a Punchaet.

Third. Or secondly, by constituting two or more such persons assessors or members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of each Assessor shall be given separately and discussed; and if any of the Assessors, or the authority presiding in the Court, should desire it, the opinions of the Assessors shall be recorded in writing in the suit. As Assessors.

Fourth. Or thirdly, by employing them more nearly as a Jury. They will then attend during the trial of the suit, will suggest as it proceeds, such points of inquiry as occur to them; the Court, if no objection exists, using every endeavour to procure the required information, and after consultation will deliver in their verdict. The mode of selecting the Jurors, the number to be employed, and the manner in which their verdict shall be delivered, are left to the discretion of the Judge who presides. As a Jury.

Fifth. It is clearly to be understood, that under all the modes of procedure described in the three preceding Clauses, the decision is vested exclusively in the authority presiding in the Court. In all such cases the decision vested exclusively in the authority presiding in the Court.

IV. *First.* The provisions of the preceding Section are The same rules applicable to Courts of Criminal Justice, but without the necessity

of any special authority from the Government.

are applicable, but without the necessity for any special authority from the Government, to all Courts of Criminal Justice, in which a Commissioner of Circuit or a Judge of Sessions may preside. In all trials in which recourse may be had to the provisions of this Regulation, the Futwa of a Mahomedan Law Officer is declared unnecessary and may be dispensed with at the option of the Court, any thing in the existing Regulations to the contrary notwithstanding. Provided that whenever the Futwa is dispensed with, and the crime of which the prisoner is convicted be one, which the Judge is not specifically empowered by the Regulations to punish, he shall not proceed to pass sentence but shall refer the case for the consideration of the Nizamut Adawlut, stating at length in the proceedings the opinion of the Punchaet, Assessors, or Jury, and his own opinion as to the crime proved, and the nature and extent of the punishment which should be awarded.

In trials so held the Futwa of the Mahomedan Law Officer may be dispensed with.

Proviso if the Futwa be dispensed with.

In Criminal trials also, the decision vested exclusively with the Judge if he be competent to pass sentence.

Second. In Criminal trials also it is to be understood that under all the modes of procedure prescribed in this Regulation, the decision is vested exclusively in the Officer presiding in the Court, provided that the sentence be one which, under the existing Regulations, it is within his competency to pass.

Persons not professing the Mahomedan faith may claim to be exempted from trial according to the Mahomedan Law.

V. In modification of the Rules contained in Regulations IX. 1793, and VII. 1803, or other corresponding enactments which provide for the delivery of Futwas before the Courts of Circuit and the Nizamut Adawlut, and which prescribe that the sentences of those Courts shall be regulated by the Mahomedan Law, it is hereby declared that any person, not professing the

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the Mahomedan faith, when brought to trial on a commitment for an offence cognizable under the general Regulations, may claim to be exempted from trial under the provisions of the Mahomedan Criminal Code; and in such case the Commissioner of Circuit or Judge of Sessions presiding on the trial shall comply with such requisition, and shall proceed in one of the three modes referred to in Section IV. of this Regulation, at the same time dispensing with the Futwa of the Mahomedan Law Officer.

In such case the Judge shall conduct the trial in one of the three modes referred to in Section IV. of this Regulation.

VI. In modification of Section LXXVII. Regulation IX. 1793, Section XII. Regulation VIII. 1803, Section VII. Regulation VIII. 1808, Section III. Regulation XVII. 1817, Section IV. Regulation VI. 1831, and any other provisions of the existing Regulations which regulate the number or functions of the head Cauzy or Mufties of the Courts of Nizamut Adawlut, it is hereby enacted that the Governor General in Council shall appoint as many Law Officers to those Courts as the state of business in each may appear to render requisite. It shall not hereafter be necessary that a Futwa be filed by the Law Officers in every case that may be referred for the final sentence of the Nizamut Adawlut, but the Judge or Judges, by whom the proceedings shall be reviewed, shall exercise their discretion in requiring a Futwa or otherwise as may appear to them expedient or necessary, excepting in cases in which exemption from the Futwa is prescribed by Section V. of this Regulation.

The Judges of the Nizamut Adawlut empowered to exercise their discretion in requiring a Futwa or otherwise from the Law Officer of their Court.

Exception.

A. D. 1832. REGULATION VII.

A REGULATION *for modifying certain of the Provisions of Regulation* V. 1831, *and for providing Supplementary Rules to that Enactment.—Passed by the Vice President in Council on the* 16*th October,* 1832, *corresponding with the* 1*st Cartick* 1239 *Bengal Era; the* 7*th Cartick* 1240 *Fusly; the* 2*d Cartick* 1240 *Willaity; the* 7*th Cartick* 1889 *Sumbut; and the* 21*st Jumadee-ul-uwul* 1248 *Higeree.*

PREAMBLE.

WHEREAS it is essential to the effectual attainment of the objects contemplated by Regulation V. 1831, that the course of proceeding to be followed under the provisions of that enactment should be defined with all practicable accuracy, and whereas certain of its provisions appear susceptible of being advantageously modified, the following Rules have been enacted to be in force throughout the Provinces subject to the Presidency of Fort William.

Appeals from Zillah Courts under Regulation V. 1831, must be preferred to the Sudder Dewanny Adawlut within three months.

II. *First.* Into whatever Zillah or City the Governor General in Council, under the powers vested in him by Section II. Regulation V. 1831, has extended or shall see fit to extend the

the provisions of that Regulation, the period for preferring a regular or special appeal from the decision of the Judge of the Zillah or City to the Sudder Dewanny Adawlut shall be the same as that prescribed by Section X. Regulation VI. 1793, for appeals from the decisions of the Provincial Courts, namely three calendar months.

Appeals from the Principal Sudder Ameens to the Judge must be preferred within three months.

Second. In like manner the period for preferring an appeal from the decision of a Principal Sudder Ameen to a Zillah or City Judge shall be the same as that prescribed by Section XII. Regulation V. 1793, for appeals to the Provincial Courts of Appeal from the decisions of Zillah and City Courts, namely three calendar months.

Repealed by Reg. Sec IX Act XXV. 1837.

Appeals from Moonsiffs and Sudder Ameens must be preferred within thirty days.

Third. The period for preferring an appeal from the decisions of a Sudder Ameen or Moonsiff, shall be limited as heretofore to thirty days, the respective periods in this instance as in the case of the appeals specified in the two preceding Clauses, being calculated according to the rule laid down in Clause Tenth Section VIII. Regulation XXVI. 1814.

The intervention of holidays not to hinder the observance of the above rules.

Fourth. It is hereby declared that the foregoing limitations shall be strictly adhered to, notwithstanding the intervention of Hindoo or Moosulman holidays, or the established vacations, within the prescribed periods for preferring appeals. When such periods however may expire during an adjournment of the Court, on account of any holiday or vacation, no default shall attach to the appellant, provided his Petition of appeal be presented immediately on the re-opening of the Court.

III. So

III. So much of the rule contained in Schedule B. Regulation X. 1829, as prescribes that the Pleadings in the Courts of the Zillah or City Judges shall be written on Paper of one Rupee value is hereby modified, and the Pleadings in the Courts of those Officers, shall be written on Paper of the value of four Rupees, wherever it has been or may be resolved to introduce the provisions of Regulation V. 1831, except in Original suits for property not exceeding one thousand Rupees in value or amount, and in cases of appeal from the decisions of Sudder Ameens and Moonsiffs. In such cases, the pleadings shall continue to be written on Stamp Paper of only one Rupee value.

Pleading in the Zillah and City Courts under Regulation V. 1831, to be written on paper the value of four Rupees.

Exceptions

IV. In modification of the rules contained in Regulation IV. 1824, relative to the Registry of Deeds, it is hereby declared that, whenever a Zillah or City Judge may deem the appointment advisable, he shall, having previously obtained the consent of the Governor General in Council to that effect, be competent to make over to the Principal Sudder Ameen at his Station the duty of Registering Deeds, subject to all the existing rules prescribed for that duty, and such Principal Sudder Ameen, while so officiating, shall receive the Fees authorized by the Regulations for the performance of that duty.

Principal Sudder Ameens eligible to the duty of Registering Deeds.

V. *First.* By Clause Third, Section XXIX. Regulation XXIII. 1814, the Moonsiffs are prohibited from demanding or receiving any Fee or issuing the prescribed Summons for the attendance of witnesses, and by Clause Fourth, the party or his Vakeel is required to serve the Summons in person. But as the strict observance of this rule may (especially in suits of the higher

Moonsiffs competent to levy Fullubana for the serving of process on the demand of the party who sues it out.

higher description such as the Moonsiffs are now competent to decide) be attended with inconvenience, it is hereby declared that whenever the party at whose suit the process may be sued out, may be desirous of having the Summons carried by a Peon instead of serving it himself, or through any other person, it shall be competent to the Moonsiff to levy Tullubanah for that purpose.

Lists of Peons, who may be employed for the serving of process to be kept by the Principal Sudder Ameens, Sudder Ameens, and Moonsiffs.

Second. The Judges of the several Zillahs and Cities in those jurisdictions to which the Provisions of Regulation V. 1831, may extend, shall call upon the Moonsiffs, Sudder Ameens, and Principal Sudder Ameens within their respective Jurisdictions for detailed lists of the Peons whom they may propose to employ for the execution of Civil process, and after ascertaining what number is requisite they shall select a sufficient number of the fittest persons to be employed, and shall cause their names to be registered with the following particulars: viz. The names of their Fathers, their age and places of abode, and a concise description of their persons..

In such cases the Moonsiffs, Sudder Ameens and Principal Sudder Ameens prohibited from employing any but persons so registered.

Third. In cases wherein, under the Provisions of this Section, process is served by an Officer of the Court, and not by the party himself, the Moonsiffs, Sudder Ameens, and Principal Sudder Ameens are strictly prohibited from employing any person not Registered in the mode above prescribed without the special authority of the Judge.

Rules regarding the levy of Tullubanah in such cases.

Fourth. The rules, mutatis mutandis, contained in Clauses Fourth, Fifth, Sixth and Seventh, Section XIV. Regulation XXVI. 1814, shall be held applicable to the Peons who may be

be employed under the above rule. [Such duties as are therein assigned to the Nazir of the Judge's Court, shall in the Moonsiff's Courts be performed by the Moonsiffs themselves; the Tullubanah levied in these cases shall only be three-fourths of what is levied in the Judge's Court, and no part of it shall be appropriated by the Moonsiffs.]

Fifth. The Principal Sudder Ameens and Sudder Ameens shall retain on their Establishments, Officers denominated Nazirs, to whom the provisions of Clause 8, Section XIV. Regulation XXVI. 1814, shall be applicable.

The Principal Sudder Ameens and Sudder Ameens shall retain on their establishment Nazirs.

VI. *First.* Section IV. Regulation III. 1817, which prohibits the refund of the amount of the Institution Stamp, in any cases before the Moonsiffs, which may be adjusted by Razeenamah, is herewith repealed.

Section IV. Regulation III. 1817, repealed.

Second. The Provisions of Clauses Second and Third, Section III. Regulation XIII. 1824, are declared applicable to cases adjusted by Razeenamah in the Moonsiffs' Courts.

The Institution Fee when to be returned in cases adjusted by Razeenamah before the Moonsiffs.

VII. Section XI. Regulation V. 1831, is hereby repealed. The rule contained in Section XXII. Regulation V. 1831, authorizing the Principal Sudder Ameens to execute their own decrees, is declared applicable to all Sudder Ameens and Moonsiffs who may be appointed under that Regulation. Provided, however, that the rule in question as regards all the Officers aboved named, shall not be considered to warrant their issuing any order on their own authority for the confinement of a Defendant

Sudder Ameens and Moonsiffs competent to execute their own decrees.

Proviso.

a Defendant in execution of Civil process. Where such order may be requisite, the Officer by whose authority the party may have been apprehended shall forward him, together with the subsistence money lodged for his detention, to the Zillah or City Judge, who, unless he see reason to the contrary, shall direct his commitment to Jail by means of his own Officers—In appeals from the orders of the Moonsiff or Sudder Ameen in such cases, the decision of the Zillah or City Judge shall be final.

The orders of the Judge on appeals from the Moonsiffs and Sudder Ameens, final.

VIII. Such part of Clause Two, Section III. Regulation VIII. 1795, enacted for the Province of Benares, which declares that "in causes in which the Plaintiff shall be of a different religious persuasion from the Defendant, the decision is to be "regulated by the Law of the religion of the latter, excepting "where Europeans or other persons not being either Mahomedans or Hindoos shall be Defendants, in which case the Law "of the Plaintiff is to be made the rule of decision in all plaints "or actions of a Civil nature," is hereby rescinded, and the rule contained in Section XV. Regulation IV. 1793, and the corresponding enactment contained in Clause One, Section XVI. Regulation III. 1803, shall be the rule of guidance in all suits regarding succession, inheritance, marriage and caste, and all religious usages and institutions that may arise between persons professing the Hindoo and Mahomedan persuasions respectively.

Clause Second, Section III Regulation VIII. 1795, rescinded.

The rules contained in Section XV. Regulation IV. 1793, and in Clause First, Section XVI. Regulation III. 1803, when to be observed.

IX. It is hereby declared, however, that the above rules are intended, and shall be held to apply to such persons only as shall be bonâ fide professors of those religions at the time of the application of the Law to the case, and were designed for the protection

Persons to whom those rules are applicable.

protection of the rights of such persons, not for the deprivation of the rights of others. Whenever, therefore, in any Civil suit, the parties to such suit may be of different persuasions, when one party shall be of the Hindoo, and the other of the Mahomedan persuasion, or where one or more of the parties to the suit shall not be either of the Mahomedan or Hindoo persuasions, the Laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which, but for the operation of such Laws, they would have been entitled. In all such cases, the decision shall be governed by the principles of justice, equity and good conscience; it being clearly understood, however, that this provision shall not be considered as justifying the introduction of the English, or any Foreign Law, or the application to such cases of any rules not sanctioned by those principles.

Course to be followed when the parties to Civil suits are of different religious persuasions.

X. In modification of Section XIX. Regulation VIII. 1831, regular suits instituted to set aside the summary judgments of Collectors for land rent are declared cognizable, according to their amount, by the Principal Sudder Ameens, Sudder Ameens, and Moonsiffs.

Regular suits instituted to set aside summary awards of Collectors for land rent declared cognizable by Principal Sudder Ameens, Sudder Ameens, or Moonsiffs.

† XI. In modification of Clause Four, Section XV. Regulation XXIII. 1814, the Moonsiffs are prohibited from awarding to Vakeels and Mokhtars, employed in pleading causes in their Courts, a higher rate of Fee than 5 per Cent. on the amount or value of the claim, and from issuing process for realizing any fee, but such as may be included in their decrees.

Rules regarding Fees to Vakeels and Mokhtars, and the mode of realizing them.

† Repealed by Act I of 1846.

Appeals from the decision of Registers now cognizable after the introduction of Regulation V. 1831 into a district.

XII. *First.* Clause First, Section XXVIIII. Regulation V. 1831, is declared applicable, from and after the introduction of Regulation V. 1831, into any district, to appeals from the decisions of Registers in their ordinary jurisdiction.

Appeals from Registers specially empowered, how cognizable.

Second. Appeals from the decisions passed by Registers specially empowered, shall, from and after the introduction of Regulation V. 1831, into any district, lie to the Zillah and City Judges, and a further or special appeal under the Provisions of the Regulations applicable to such cases, to the Sudder Dewanny Adawlut.

Special Appeals from certain decisions of the Zillah Judges shall lie to the Sudder Dewanny Adawlut.

XIII. In modification of the rules contained in Section XXVI. and Clause Twelfth, Section XXX. Regulation II. 1819, the special appeals from the decisions of the Zillah Judges, therein provided for, shall, from and after the introduction of Regulation V. 1831, into any district, lie to the Court of Sudder Dewanny Adawlut.

All cases relating to matters within the jurisdiction of the Court of Sudder Dewanny Adawlut for the Western Provinces to be transferred to them.

XIV. In modification of the Provisions of Section VIII. Regulation VI. 1831, the Court of Sudder Dewanny Adawlut at Calcutta are empowered, without reference to the wishes of the appellants, to transfer to the Court of Sudder Dewanny Adawlut, for the Western Provinces, all regular and special appeals, connected with the provinces subject to their jurisdiction. The Court at Calcutta are also empowered to make over to the Court, for the Western Provinces, the execution of all decrees and judgments relating to those Territories, which may have been passed before, or since the promulgation of the Regulation.

XV. In

XV. In explanation of the Provisions of Section II. Regulation IX. 1831, it is hereby declared, that a single Judge of either Court of Sudder Dewanny Adawlut is competent to dispose of all cases regular, as well as miscellaneous, with exception to those described in Clause Fourth of the Section aforesaid.

The powers of a single Judge of the Sudder Dewanny Adawlut, as conferred by Section II. Regulation IX. explained.

XVI. *First.* Such parts of Regulation VIII. 1819, and Regulation I. of 1820, as declare that the sale of Putnee Talooks and other saleable tenures, shall be conducted by the Register, or Acting Register, or in their absence by the Judge or Magistrate, and which require the Judge to perform other acts preparatory to, or connected with, the sale of such Talooks or other saleable tenures, are hereby modified, and such sales shall hereafter be made, and other acts aforesaid be performed by the Collector or Deputy Collector of Land Revenue, or Head Assistant to the Collector or Deputy Collector, subject to an appeal to the Commissioner of Revenue for the division, on the ground of the irrelevancy of the Regulation, as in other cases of a summary nature provided for in Section IV. Regulation VIII. 1831.

Duties performed by Registers or Judges under Regulations VIII. 1819 and I. of 1820, transferred to the Revenue Officers.

Second. The provisions of Section XXIII. Regulation VII. 1822, are declared applicable to proceedings by Revenue Officers under this Section.

Section XXIII. Regulation VII. 1822, applicable to proceedings under this Section.

Third. With reference to doubts which have arisen regarding the power of the Zillah and City Judges to conduct the summary enquiries allowed by Clause Second, Section XIV. Regulation

Enquiries hitherto conducted by Judges under Clause Second, Section XIV. Regulation VIII. 1819, not to be impugned.

Regulation VIII. 1819, since the promulgation of Regulation VIII. 1831, it is hereby further declared, that all summary investigations and awards which may have been made by them previous to the promulgation of this Enactment in conformity to the provisions of the aforesaid Clause, shall not be impugned, on the ground that such cases should have been investigated and decided by the Collectors of Land Revenue under the provisions of the Regulation last-mentioned.

Section IX. Regulation II. 1821 & Clauses Second and Third, Section II. Regulation III. 1824 applicable to Principal Sudder Ameens or Sudder Ameens stationed at a distance from the Zillah Court.

XVII. The provisions of Section XI. Regulation II. 1821, and of Clauses Second and Third, Section II. Regulation III. 1824, are declared applicable to Principal Sudder Ameens, or Sudder Ameens who may be stationed at any other place than the fixed station of the Zillah or City Court, or with jurisdiction within the limits of any Magistracy, Joint Magistracy, Collectorship, or Deputy Collectorship.

Individuals not Natives of India who may have been Sudder Ameens prior to the introduction of Regulation V. 1831, into a district, may be continued in such situations.

XVIII. Nothing in Section XIII. Regulation V. 1831, shall be held to preclude the Governor General in Council from continuing in the Office of Sudder Ameen, subsequent to the introduction of Regulation V. 1831, into the district, any individual not a Native of India, who was holding the appointment at the time of the introduction of the Regulation, and all official acts performed by such individuals, before or after the promulgation of this Regulation, are declared valid, and shall be held to be good and binding.

A. D. 1832. REGULATION VIII.

A REGULATION *for rescinding Regulation* XIV. 1814.—*Passed by the Vice President in Council on the 20th November* 1832, *corresponding with the 6th Aughun* 1239 *Bengal Era; the 12th Aughun* 1240 *Fusly; the 17th Aughun* 1240 *Willaity; the 13th Aughun* 1889 *Sumbut; and the 26th Jumadee-us-Sanee* 1248 *Higeree.*

PREAMBLE. WHEREAS it is found to be objectionable any longer to maintain as two distinct Zillahs the Districts of the Suburbs of Calcutta and of the 24-Pergunnahs, and whereas the objects contemplated in that arrangement can be better effected by other means, the following Rules have been enacted to be in immediate force.

Regulation XIV. 1814, hereby rescinded. II. Regulation XIV. 1814, is hereby rescinded.

The Thannahs of Chitpore, Manicktullah, Tazeerhaut, Nowhazary, and Sulkeeah, united to the 24-Pergunnahs, and the whole District thus formed shall be denominated the Zillah of the 24-Pergunnahs. III. The Thannahs of Chitpore, Manicktullah, Tazeerhaut, Nowhazary, and Sulkeeah, shall be united to the 24-Pergunnahs, and the whole District thus formed shall be denominated the Zillah of the 24-Pergunnahs.

IV. Provided,

Reservation of power to the Governor General in Council for making any alterations in the above mentioned Zillahs, when deemed expedient.

IV. Provided, however, that nothing herein contained shall be construed to prevent the Governor General in Council from making any alteration in the limits of the said Zillahs, or of any of the Zillahs adjacent, conformably to the powers usually exercised by the Government in cases of that nature, which may at any time be deemed necessary or expedient.

TITLES

OF THE

REGULATIONS,

PASSED IN THE YEAR

1833.

REGULATION I.

A REGULATION *for vesting in the Sudder Board of Revenue at Allahabad the Superintendence of the Customs and Town Duties in the Territories to which the Revenue Jurisdiction of that Board extends.—Passed by the Vice President in Council on the 5th of February,* 1833.

REGULATION II.

A REGULATION *for empowering the Governor General in Council to abolish the Provincial Courts of Appeal.—Passed by the Governor General in Council on the 15th March,* 1833.

REGULATION III.

REGULATION III.

A REGULATION *for establishing an Office for the Registry of Imports and Exports at the Settlements of Prince of Wales' Island, Singapore and Malacca.—Passed by the Governor General in Council on the* 12*th April*, 1833.

REGULATION IV.

A REGULATION *to provide more effectually for the Management of Convicts Sentenced to labor and employed on the Roads or Public Works under Superintendents or their Assistants appointed by Government, and to enable those Officers to maintain good order and discipline among the Convicts and their Guards.—Passed by the Governor General in Council on the* 3*d May*, 1833.

REGULATION V.

A REGULATION *for forming the Jurisdiction of the City of Dacca, and the Zillah of Dacca Jelalpore, into one District.—Passed by the Governor General in Council on the* 13*th May*, 1833.

REGULATION VI.

A REGULATION *for rescinding part of Regulation XV. of* 1829, *and for enacting other Rules in the case of Goods imported by Sea.—Passed by the Governor General in Council on the* 3*d June*, 1833.

REGULATION VII.

A REGULATION *for altering the weight of the new Furruckabad Rupee and for assimilating it to the legal currency of the Madras*

Madras and Bombay Presidencies; for adjusting the weight of the Calcutta Sicca Rupee, and for fixing a Standard Unit of Weight for India.—Passed by the Governor General in Council on the 13th July, 1833.

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A REGULATION *for the occasional appointment of Additional Judges of the Zillah and City Courts.—Passed by the Governor General in Council on the 26th August,* 1833.

REGULATION IX.

A REGULATION *to modify certain portions of Regulation VII. of* 1822 *and Regulation IV. of* 1828; *to provide for the more speedy and satisfactory decision of Judicial questions cognizable by Officers of Revenue employed in making Settlements under the above Regulations; for enforcing the production of the Village Accounts; for the more extensive employment of Native Agency in the Revenue Department; and to declare the intent of Section V. Regulation VII. of* 1822, *touching claims to Malikana.—Passed by the Governor General in Council on the 9th September,* 1833.

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A REGULATION *for including Spirituous Liquors of European Manufacture in the prohibition contained in Regulation IV.* 1831, *against the Retail Sale of other Spirituous Liquors in the Eastern Settlements. — Passed by the Governor General in Council on the 9th September,* 1833.

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REGULATION XI.

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REGULATION XII.

A REGULATION *for modifying certain of the Provisions of the existing Regulations regarding the Selection, Appointment and Remuneration of authorized Pleaders.—Passed by the Governor General in Council on the 4th November,* 1833.

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A REGULATION *for abolishing the Courts of Dewanny Adawlut of the Zillahs of Ramghur and Jungle Mehals, and for providing Special Rules for the Superintendence of certain tracts of Country, at present included in the Zillahs of Ramghur, Jungle Mehals and Midnapore.—Passed by the Governor General in Council on the 2d December,* 1833.

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OF THE

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TO THE

REGULATIONS

OF

1833.

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PROVINCIAL COURTS OF APPEAL.
PRINCE OF WALES' ISLAND, SINGAPORE AND MALACCA.
CONVICTS.
DACCA ZILLAH.
IMPORTS.
COINAGE.
ADDITIONAL JUDGES OF ZILLAH AND CITY COURTS.
REVENUE.
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A. D. 1833. REGULATION I.

A REGULATION *for vesting in the Sudder Board of Revenue at Allahabad the Superintendence of the Customs and Town Duties in the Territories to which the Revenue Jurisdiction of that Board extends.—Passed by the Vice President in Council on the 5th of February* 1833, *corresponding with the 25th Maug* 1239 *Bengal Era; the* 1*st Phaugun* 1240 *Fusly; the 26th Maug* 1240 *Willaity; the* 1*st Phaugun* 1889 *Sumbut; and the* 14*th Rumzan* 1248 *Higeree.*

PREAMBLE.

WHEREAS it is deemed requisite to transfer the powers and authority, in respect to the Customs and Town Duties, now exercised by the Board of Customs, Salt and Opium at the Presidency, to the Sudder Board of Revenue at Allahabad, so far as the Territories are concerned which are under the jurisdiction in Revenue affairs of the latter Board, the following Rules have been enacted, to be in force from the date of their promulgation.

Parts of Regulations IX. and X. 1810, Regulation IX. 1826, and other Regulations modified.

II. So much of Regulations IX. and X. 1810, Regulation IX. 1826, and of any other existing Regulation, as vests the Board of Customs, Salt and Opium, with the control over the Customs and Town Duty Departments in the Provinces, which by

by Regulations X. 1831, and V. 1832, have been placed in matters of Revenue under the management of the Sudder Board at Allahabad, is hereby declared subject to the following modification:—

The control over the Customs and Town Duties in the Tracts of Country subject in Revenue matters to the jurisdiction of the Sudder Board of Revenue at Allahabad, is by this Regulation vested in that Board, and the Board of Customs, Salt and Opium at the Presidency, shall cease to exercise any authority in respect to the Customs and Town Duties in the said Territories.

III. The Sudder Board of Revenue at Allahabad shall, from the date of the promulgation of this Regulation, possess and exercise a general power of control and supervision over the Customs and Town Duties, and over the Officers charged with the administration of these branches of Revenue in the Province of Benares, the Ceded and Conquered Provinces, the Territory formerly subject to the authority of the Chief Commissioner at Dehli, the Province of Kumaoon, and the Saugor and Nerbudda Dependencies, and the Board of Customs, Salt and Opium, shall cease to have any jurisdiction relating to Customs and Town Duties in the said Tracts of Country.

A. D. 1833. REGULATION II.

A REGULATION *for empowering the Governor General in Council, to abolish the Provincial Courts of Appeal.—Passed by the Governor General in Council on the* 15*th March* 1833, *corresponding with the* 3*d Chyte* 1239 *Bengal Era; the* 9*th Chyte* 1240 *Fusly; the* 4*th Chyte* 1240 *Willaity; the* 10*th Chyte* 1889 *Sumbut; and the* 22*d Suwal* 1248 *Higeree.*

PREAMBLE.

UNDER Clause First, Section XXVII. Regulation V. 1831, the Provincial Courts are precluded from receiving Appeals from any Zillah or City into which the provisions of that enactment have been introduced. Whenever therefore the Regulation has been extended to all the Districts of any Division, the further maintenance of the Provincial Court is only required for the purpose of disposing of the arrears of business pending before it. In order however that such arrears may be disposed of by the other existing Courts, and the expense to the State occasioned by the maintenance of the Provincial Courts be thus discontinued, the following Rules have been passed for empowering the Governor General in Council to abolish the Provincial Courts, and for prescribing the course to be followed in disposing of the arrears of business before each Court.

II. Clause

Clause Second, Section XXVII. Regulation V. 1831, modified.

II. Clause Second, Section XXVII. Regulation V. 1831, is declared subject to the following modification.

Original Suits pending before the Provincial Courts, and all matters connected with their functions as Courts of Primary jurisdiction, to be transferred to the files of the Zillah and City Courts, provided that the provisions of Regulation V. 1831, shall have been extended to such Zillah or City.

III. *First.* All Original Suits, all miscellaneous business arising out of Original Suits not of the nature of Appeals, and generally all matters connected with it's functions as a Court of Primary jurisdiction, which may be pending in any Provincial Court, shall be transferred to the files of the several Zillah or City Courts, in which, under the provisions of Section VIII. Regulation III. 1793, the Suit would be regularly cognizable, provided that the provisions of Regulation V. 1831 shall have been extended to such Zillah or City Court. The Zillah or City Courts to which under this provision any Suits may be transferred, shall proceed with them in all respects as though they had been originally instituted before them under Clause Third, Section XXVII. Regulation V. 1831.

Precepts or Orders to the Provincial Courts from the Sudder Dewanny Adawlut regarding any Suit or matter pending before the Superior Court to be transferred for execution to the Zillah or City Courts, whether Regulation V. 1831, may have been extended to such Zillah or City, or not.

Second. All Precepts or Orders which may have been issued to the Provincial Court by the Court of Sudder Dewanny Adawlut, regarding any Suit or matter pending before the Superior Court, shall also be transferred to the Zillah or City Court to which the Suit or matter has reference, whether the provisions of Regulation V. 1831 may have been extended to such Zillah or City Court, or not, and the Court receiving such order, shall carry it into effect in the same manner as if it had been addressed to itself.

When the provisions of Regulation V. 1831, have been introduced into all the Districts

IV. Whenever the provisions of Regulation V. of 1831, have been introduced into all the Districts constituting the jurisdiction

jurisdiction of a Provincial Court, the Governor General in Council shall be competent to abolish the Provincial Court, by an order issued in the usual manner, under the signature of the Secretary in the Judicial Department, and notice thereof shall be published by Proclamation at the Cutcherries of the Moonsiffs and at the Zillah or City Courts of the Division, and shall likewise be communicated to the Court of Sudder Dewanny Adawlut.

constituting the jurisdiction of a Provincial Court, the Governor General in Council competent to abolish the Provincial Court.

V. All Appeals, Regular, Special, or Summary, as well as all Petitions for the admission of Special Appeals, Petitions for review of judgment, or other miscellaneous business belonging to it's jurisdiction, as an Appellate Court, which may be pending before the Provincial Court on the date of it's abolition, shall be transferred to the file of the Court of Sudder Dewanny Adawlut, and the Judges of the Court of Sudder Dewanny Adawlut are hereby empowered and required to dispose of them, under the general powers with which they are vested, in the same manner as though they had been regularly cognizable by and referred to, or instituted before them. All Appeals that may be so pending before a Provincial Court on the date of it's abolition, of whatever amount, or from whatever authority preferred, are hereby declared cognizable by the Court of Sudder Dewanny Adawlut, any thing in the existing Regulations to the contrary notwithstanding.

All Appeals and business belonging to its jurisdiction as an Appellate Court, which may be pending before any Provincial Court at the date of it's abolition, to be transferred to the Sudder Dewanny Adawlut, the Judges of which Court empowered and required to dispose of such arrears.

A. D. 1833. REGULATION III.

A REGULATION *for establishing an Office for the Registry of Imports and Exports at the Settlements of Prince of Wales' Island, Singapore and Malacca. —Passed by the Governor General in Council on the* 12*th April* 1833, *corresponding with the* 1*st Bysack* 1240 *Bengal Era; the* 8*th Bysack* 1240 *Fusly; the* 2*d Bysack* 1240 *Willaity; the* 8*th Bysack* 1890 *Sumbut, and the* 20*th Zeekada* 1248 *Higeree.*

PREAMBLE. THE Import and Export of Goods to and from Singapore and Malacca having been declared by the Hon'ble Court of Directors to be free of all duties, and the collection of those hitherto levied at Prince of Wales' Island having been superseded by the same authority; the following Rules now promulgated, have been established for the purpose of ensuring the correct Registry and account of all Goods imported and exported at the three Settlements, the due observance of the Laws and Statutes provided for the general Trade of the British Settlements within the limits of the Company's Charter, and the prevention of loss and inconvenience in respect to the Excise Revenue of the three Settlements.

An Office for the Registry of Imports and Exports to be established at each of the Settlements in the Straits.

II. *First.* An Office shall be established at each of the three Settlements—Prince of Wales' Island, Singapore and Malacca,

Its designation.

Malacca, to be designated the "Office of Registry of Imports and Exports."

A Covenanted Servant of the Company to Superintend it.

Second. The Office shall be superintended by a Covenanted Servant of the Company.

Office hours.

Third. The Office shall be open for the transaction of business every day (Sundays excepted) from ten in the morning until three in the afternoon.

The Master Attendant to report to the Office of Registrar of Imports and Exports, the arrival of all Vessels, with the particulars noted in this Section.

III. The Master Attendant shall report to the Office of Registrar of Imports and Exports as soon as practicable, the arrival of all Vessels, with the following particulars, viz. the name of the Vessel and Commander, to what Nation belonging, name of the Port of original Clearance, and of all intermediate Ports at which she may have touched, with List of Passengers on board.

Commanders of square-rigged Vessels on arrival, to produce certain Documents to the Master Attendant, his Deputy, or Assistant.

IV. *First.* All Commanders of square-rigged Vessels arriving at any of the Settlements above named, are required to produce to the Master Attendant, his Deputy, or Assistant, on being called on for the same, the Certificate of Registry, the Pass or Port Clearance from the Port of original Clearance, and other Ports at which the Vessel may have touched for the purposes of Trade.

In the event of any irregularity or informality, the Master Attendant to report the same to the Registrar, who, if necessary, will report to the Chief Civil Authority, and await his orders before he admits the Vessel to entry.

Second. In the event of any irregularity or informality appearing in the Papers produced, or of any circumstance coming to the knowledge of the Master Attendant wherein the Navigation Laws have been infringed, he will immediately report the same

same to the Registrar of Imports and Exports, who if he deems it necessary will report the circumstances set forth to the Chief Civil Authority at the Settlement, and await his orders before he admits the Vessel to entry.

Third. It shall be the duty of the Master Attendant, his Deputy, and Assistants, to keep a record of all Arrivals and Departures of Vessels, containing all points of information required by this and the preceding Section.

The Master Attendant, his Deputy, and Assistants to keep a Record of all Arrivals and Departures of Vessels, containing the information required by this and the preceding Section.

V. All Commanders of square-rigged Vessels intending to land or ship Goods, will deliver or cause to be delivered into the Office of Registrar of Imports and Exports, a list of Articles intended to be landed, with application for permit to land the same drawn out in the following form No. 1, to be kept as a Voucher in the Registrar's Office.

Commanders of square-rigged Vessels intending to land or ship Goods, to deliver into the Office of Registrar, a list of such Articles with application for permit to land the same.

To the Registrar of Imports and Exports.

Sir,

Please to permit the undermentioned Goods to be landed on account of

Form of Application.

Sir,

Your most obedient Servant,

Date.	Number and nature of Packages.	Name of Vessel.	Under what Colors.	Whence Imported.	Sorts of Goods.	Quantity of Goods.	Rates.	Total value.
								These are to be left blank and filled up from the Public Tariff.

The Registrar then to grant a general Permit authorizing the landing of all the Goods specified in the list.

VI. *First.* On the foregoing Application being made a general Permit will be given by the Registrar of Imports and Exports, authorizing the landing of all the Goods specified in the List at such time and place as may suit the convenience of the Commander, the Consignees, or Purchasers of the Goods.

Time and place of landing.

To land a further quantity of Goods beyond those enumerated in the list, Commander to make application as above, with additional list.

Second. Should it be determined by the Commander of the Vessel to land a further quantity of Goods beyond those specified in the List, application must be made as above with additional List attached.

No Goods to be landed without the observance of the above Rules. Penalty for doing so.

Third. No Goods to be landed until the above Lists have been furnished and Permit obtained, under a penalty, on conviction before two Magistrates, of Sicca Rupees Five Hundred.

Passengers' Baggage &c. exempted.

Fourth. From the above Rules are exempted Passengers' Baggage and trifling articles, not intended for sale but for private use.

Rule respecting transhipment of Goods.

VII. *First.* In the event of its being found necessary to tranship Goods from one Vessel to another, a List of the Goods intended to be transhipped must be furnished, and Permit obtained according to the form prescribed in Section VI. with the addition of the name and description of the Vessel to which the Goods are to be transhipped.

To the Registrar of Imports and Exports. Form of Application.

Sir,

Please to permit the undermentioned Goods to be transhipped on account of

Sir,

Your most obedient Servant,

	Date.	From what Vessel.	Under what Colors.	From whence.	On what Vessel to be transhipped.	Under what Colors.	Whither bound.	Number and nature of Packages.	Sort of Goods.	Quantity of Goods.	Rates.	
												These are to be left blank and filled up from the Public Tariff.

Second. All Goods so transhipped to be entered in the General Registry as an Import and Re-export at the Port. Goods so transhipped to be entered in the General Registry as an Import and Re-export at the Port.

VIII. *First.* All Commanders of square-rigged Vessels before shipping any Goods are required to produce a List of such as are intended for Exportation, and to make application for a Permit at the Office of the Registrar of Imports and Exports, to be drawn up in the following form. Commanders before shipping Goods for Exportation to produce list thereof, and to make application for a Permit.

To the Registrar of Imports and Exports. Form of Application.

Sir,

Please to permit to be Exported the undermentioned Goods on account of

Sir,

Your most obedient Servant,

Date

Date.	Number and nature of Packages.	Name of the Vessel.	Under what Colors.	Whither bound.	Sorts of Goods.	Rates of Manufacture not produce.	Quantity of Goods	Rates.
								These are to be left blank and filled up from the Public Tariff.

Permit to be then granted.

Second. A General Permit to ship will then be given from such place and at such time as may be convenient to all parties.

No Goods to be shipped that are not included in the list, and separate lists and additional permit required for any further shipment beyond Goods specified in the first list, under a Penalty.

Third. No Goods to be shipped that are not included in the List, and Separate Lists to be produced and additional Permit required for any further shipment beyond the Goods specified in the first List, under a Penalty of Sicca Rupees Five Hundred on conviction before two Magistrates.

Passengers' Baggage and other articles exempted.

Fourth. Passengers' Baggage, trifling articles for private use and not for sale, water, fire-wood, and provisions, are exempted from the above rule.

Commanders who have landed or shipped a full Cargo, to give twenty-four hours notice of their intended departure.

In cases of partial landing or shipping when Rules have been observed, Vessels not to be detained to any fixed time of notice.

IX. All Commanders of Vessels who have landed or shipped a full Cargo, shall give twenty-four hours notice of their intended departure, but in cases of partial landing or shipping when the Rules laid down in this Regulation have been duly complied with and requisite communications made, Vessels are not to be detained to any fixed time of notice.

Commanders, at the time of giving notice of intended departure to deliver into the

X. All Commanders of square-rigged Vessels shall, at the time of giving notice of intended departure, deliver into the Office

Office of the Registrar of Imports and Exports, copies of the Lists specified in Sections V. and VI. duly attested by the signature of the Consignees, Purchasers, or Receivers of the Goods therein described in the form following.

Office of the Registrar, copies of the Lists specified in Sections V. and VI. duly attested as directed by this Section.

XI. *First.* All Commanders of square-rigged Vessels shall, before they receive their Port Clearance, deliver into the Office of Registrar of Imports and Exports a true and complete Manifest of the Cargo shipped, to be verified on Oath, if considered necessary according to form.

Commanders, before they receive their Port Clearance, to deliver into the Office of Registrar a true Manifest of the Cargo shipped.

To be verified on Oath, if considered necessary.

Vessel's Name.	Number of Tons	Statement of Merchandize landed or shipped (as the case may be) at the port of

Second. On the delivery of the Manifest and compliance with all the Rules and Regulations herein prescribed, a Port Clearance shall be delivered in the following form, bearing the signature of the Master Attendant in attestation that all Port Charges have been discharged, and of the Chief Civil Authority at the Settlement.

On delivery of Manifest and compliance with all the prescribed Rules,

A Port Clearance to be delivered.

By whom to be signed.

No.

Form of Port Clearance.

Port Clearance for the under
Colors, Captain bound for

This is to Certify to whom it may concern, that the Owners of the abovementioned

have

have rendered an account of her Import and Export Cargo, have discharged all duties, and complied with all the Regulations of the Port.

(Signed)

On the arrival of any Vessel commanded by Natives, Subjects of the British Government, or of Asiatic States, the Master Attendant how to proceed.

XII. On the arrival of any Junk, Prohus, Boat, or other Vessel commanded by Natives, Subjects of the British Government, or of Asiatic States, the Master Attendant shall obtain in the manner satisfactory to himself, and with as little interference or intrusion as practicable, all necessary information as to the Native State to which the Vessel belongs, the Ports at which the Cargo was shipped, and those at which she may have touched, and in reporting the arrival to the Registrar of Imports and Exports, will at the same time communicate any circumstances deemed necessary in order that report of the same may be made to the Chief Civil Authority at the Settlement.

The Registrar to require from all persons Commanding Vessels as described in preceding Section, a true account of the Cargo on board, and the place were shipped.

XIII. *First.* The Registrar of Imports and Exports shall require from all persons Commanding Vessels, as described in the preceding Section, a true account of the Cargo on board and the place where shipped, in such manner as he may deem necessary and satisfactory, and at the same time the least intrusive and vexatious consistently with the obtaining the information required.

Permit to be granted, subject to the rules laid down in Sections V. and VI. of this Regulation.

Second. On such information being procured a general Permit shall be given for the landing of the Goods on application in the manner specified, and subject to all the rules laid down in Sections V. and VI. of this Regulation.

Third.

Third. Natives in Command of Vessels as above described, shall in like manner be required before shipping any Goods to furnish the Lists directed in Section VIII. of this Regulation, and shall deliver in a complete Manifest or List of the Cargo shipped. The Registrar of Imports and Exports will assure himself of the correctness of the document in such manner as may appear to him most satisfactory, and with as little vexation as possible.

Natives in command of such Vessels, before shipping any Goods required to furnish the lists directed in Section VIII. of this Regulation, and to deliver a Manifest of Cargo.

Registrar how to proceed.

XIV. The Registrar of Imports and Exports shall abstain from resorting to the extreme measure of actual search, except in cases when from information received, he may have good reason to believe clandestine and unregistered shipments have been made.

Registrar to abstain from resorting to actual search, excepting in cases where he has good reason to believe that clandestine shipments have been made.

XV. The Registrar of Imports and Exports shall not grant permit for the Import, Export, or Transhipment of any Article prohibited by any Law, Statute, or Regulation, and shall use his utmost endeavours to discover and prevent such Import, and when discovered to have taken place, will report the circumstance to the Chief Civil Authority, in order that the Laws provided in the case may be duly enforced.

The Registrar forbidden to grant Permit for the Import, Export, or Transhipment of any Article prohibited by Law.

On discovery of the Import of such article, how to act.

XVI. The Registrar of Imports and Exports shall not permit the Import of any Article forming the subject of Excise Revenue, the exclusive sale of which is vested by the License of the Public Officers in any Individual Renter or Farmer, except in such manner and under such rules as may have been laid down in respect to such exclusive Rent or Farm.

Registrar not to permit the Import of any article forming the subject of Excise Revenue, the exclusive sale of which is vested in any Individual Renter, except under the Rules laid down in respect to such exclusive Rent or Farm.

A. D. 1833. REGULATION IV.

A REGULATION *to provide more effectually for the Management of Convicts Sentenced to labor and employed on the Roads or Public Works under Superintendents or their Assistants appointed by Government, and to enable those Officers to maintain good order and discipline among the Convicts and their Guards.—Passed by the Governor General in Council on the 3d May* 1833, *corresponding with the 22d Bysack* 1240 *Bengal Era; the 29th Bysack* 1240 *Fusly; the 23d Bysack* 1240 *Willaity; the* 14*th Bysack* 1890 *Sumbut; and the* 12*th Zechejja* 1248 *Higeree.*

PREAMBLE. WHEREAS it is necessary in certain cases to vest the Superintendents of Roads and other Public Works, or their Assistants, who have the direction of the labor of Convicts, with powers necessary to enable them to exert an efficient control over the Convicts and the Guards employed with them, the following Rule has been enacted.

The Governor General in Council shall be competent to vest Superintendents of Convicts employed on the Roads and other Public Works and Assistants to such Superintendents with such powers as he may deem necessary for the control of the Convicts and their Guards.

II. It shall be competent to the Governor General in Council to vest Superintendents of Convicts employed on the Roads and other Public Works and Assistants to such Superintendents with such powers for the above purpose as he may from time to time deem necessary.

A. D. 1833. REGULATION V.

A REGULATION *for forming the Jurisdiction of the City of Dacca, and the Zillah of Dacca Jelalpore, into one District.—Passed by the Governor General in Council on the* 13*th May* 1833, *corresponding with the* 1*st Jeyte* 1240 *Bengal Era; the* 9*th Jeyte* 1240 *Fusly; the* 2*d Jeyte* 1240 *Willaity; the* 9*th Jeyte* 1890 *Sumbut; and the* 22*d Zeehejja* 1248 *Higeree.*

WHEREAS it is found desirable to form the Jurisdiction of the City of Dacca, and the Zillah of Dacca Jelalpore, into one District, the following Rules have been enacted, to be in immediate force. PREAMBLE.

II. Such parts of Regulations III. and IX. 1793, and Regulation VII. 1797, as relate to the constitution of the Jurisdiction of the City of Dacca and the Zillah of Dacca Jelalpore, as separate Jurisdictions, are hereby rescinded.

Parts of Regulations III. and IX 1793, and Regulation VII. 1797, which relate to the constitution of the Jurisdiction of the City of Dacca and the Zillah of Dacca Jelalpore, as separate Jurisdictions, rescinded.

III. The places at present comprized in the Jurisdiction of the City of Dacca, and the Zillah of Dacca Jelalpore, shall be formed into one District, which shall be denominated the Zillah of Dacca.

The Jurisdiction of the City of Dacca and the Zillah of Dacca Jelalpore, formed into one District, which shall be denominated the Zillah of Dacca.

IV.

Reservation of power to the Governor General in Council for making any alteration in the limits of the said Zillah when deemed expedient.

IV. Provided, however, that nothing herein contained shall be construed to prevent the Governor General in Council from making any alteration in the limits of the said Zillah, or of any of the Zillahs adjacent, conformably to the powers usually exercised by Government in cases of that nature, which may at any time be deemed necessary or expedient.

A. D. 1833. REGULATION VI.

A REGULATION *for rescinding part of Regulation XV. of* 1829, *and for enacting other Rules in the case of Goods imported by Sea.—Passed by the Governor General in Council on the 3d June* 1833, *corresponding with the 22d Jeyte* 1240 *Bengal Era; the 1st Assar* 1240 *Fusly; the 23d Jeyte* 1240 *Willaity; the 1st Assar* 1890 *Sumbut; and the 13th Moherrem* 1249 *Higeree.*

WHEREAS so much of the Rule contained in Clause Second Section III. Regulation XV. of 1829, as provides that in cases where Goods are taken by the Officers of the Customs on account of Government under circumstances of a presumed undervaluation, an allowance of Ten per Cent. in addition to the declared value shall be paid to the Importer has been found in its operation prejudicial to the Revenue, and whereas it has appeared reasonable in all cases in which Goods undervalued shall be so taken on account of Government that the Customs Duties payable on the importation thereof shall be levied at the valuation at which the said Goods shall have been so taken by Government.—The following Rules have been passed by and with the sanction of the Honorable Court of Directors and with the approbation of the Honorable the Board of Commissioners for

PREAMBLE.

for the Affairs of India to take effect from the date of their promulgation within the Provinces subject to this Presidency.

Regulation XV. of 1829 rescinded, with the exception of Section II.

II. Regulation XV. of 1829, with the exception of Section II. is hereby rescinded.

III. *First.* The Duty leviable according to the Schedules annexed to Regulation XV. 1825, on Goods and Merchandize imported by Sea shall be levied advalorem, that is to say, according to the market value at the place and time of importation, except when otherwise specially provided in that or in any other Regulation, and the value of all such Goods and Merchandize shall be stated on the face of the application to clear the same from the Custom House, that may be presented by the Importer, Consignee or Proprietor of such Goods, or his known Agent or Factor, who shall further subjoin to the said application a declaration of the truth of the same in the manner and form following.

Declaration of value to be appended to the application to clear Goods.

Form

FORM OF APPLICATION TO PASS GOODS.

To

The Collector of Sea Customs.

Sir,

Be pleased to grant a Permit to pass into Town the undermentioned Goods, landed from the Captain under colours from

Number and Description of Packages.	Marks and Numbers upon Packages.	Description of Goods and contents of each Package.	Total quantity of Goods.	Rate of value in Sa. Rs. of each Class and description of Goods.	Total value in Sa. Rs. of the whole of each Class and description of Goods.	Name of the Consignee of the Goods.
Numbers in words at length.		In detail.				

do hereby declare that the Goods above specified are of the growth, produce, or manufacture of and that do enter them at the total value of Sicca Rupees as Witness my hand this day of 18

Value Sicca Rupees

Admitted by me

C. D.

Appraiser

A. B.

As the case may be. { Proprietor, or Consignee, or Duly authorized to act on behalf of

Second.

Declaration to be signed by the Importer or his Agent.

Second. The above declaration shall be subscribed by the Proprietor, Importer or Consignee, or his known Agent or Factor, and if upon view or examination of such Goods, Wares or Merchandize by the Officers of the Customs, it shall appear to them

Goods undervalued may be detained by Officers.

that such Goods, Wares or Merchandize, or any portion thereof, or any Article or Articles separately valued as above for assessment of duty, are not or is not valued according to the fair Calcutta Market price at the time of such declaration, then it shall be lawful for the Collector or other Officer or Officers of the Customs duly authorized in that behalf to detain such Goods, Wares or Merchandize, or such article or articles, and to cause the same to be lodged in the Government Warehouses, or otherwise secured

Subject to reference to Board of Customs.

until the pleasure of the Board of Customs, or other authority acting with the powers of the Board, shall be known and declared, and it shall be lawful for the said Board or other authority to

Who may take for the Company and sell.

order the Collector to take such Goods, Wares or Merchandize for the use and benefit of the Honorable Company at any time within eight days from the date on which the application of the Importer or Proprietor may have been made, and the Collector or other Officer aforesaid shall, in such case, within fifteen days of the same date, pay to the Proprietor, Importer or Consignee of such Goods, Wares or Merchandize, or article or articles so detained and taken for the Company, the value thereof as de-

Declared value to be paid to Importer.

clared and set forth upon the Import application by such Proprietor, Importer or Consignee, or by his known Agent or Factor.

Goods so taken to be sold on account of Government.

Third. When payment may be so made to the Importer or Proprietor of such Goods, Wares or Merchandize, the same shall

shall be in full satisfaction for the Goods in the same manner as if such Goods, Wares or Merchandize had been transferred by Ordinary Sale, and the Collector, under the direction of the Board of Customs, shall cause the said Goods, Wares or Merchandize to be sold to the best advantage on account of Government.

IV. In all cases in which Goods shall be taken and purchased by or on account of Government the duties payable thereon shall be levied from the Proprietor, Importer or Consignee thereof, according to the value declared and set forth on the Import application.

Duty to be levied from the Proprietor or Consignee.

A. D. 1833. REGULATION VII.

A REGULATION *for altering the weight of the new Furruckabad Rupée and for assimilating it to the legal currency of the Madras and Bombay Presidencies; for adjusting the weight of the Calcutta Sicca Rupee, and for fixing a standard Unit of weight for India.—Passed by the Governor General in Council on the* 13*th July* 1833, *corresponding with the* 31*st Assar* 1240 *Bengal Era; the* 12*th Assar* 1240 *Fusly; the* 32*d Assar* 1240 *Willaity; the* 11*th Assar* 1890 *Sumbut; and the* 24*th Suffer* 1249 *Higeree.*

PREAMBLE.

BY a Resolution of the Governor General in Council, dated the 10th of September 1824, the Furruckabad Rupee was ordered to be coined of 180 Grains, 165 fine and 15 alloy, and was declared the legal currency of the Saugor and Nerbuddah Territories. It is considered expedient to adopt this Weight and Standard for the Furruckabad Rupee at the Calcutta as well as at the Saugor Mint, instead of that described in Section V. Regulation XI. 1819, from which it differs very slightly, and to make the Furruckabad Currency correspond in weight and intrinsic value with the new Currency of the Madras and Bombay

Bombay Presidencies. It is likewise convenient to make a trifling alteration in the weight of the Calcutta Sicca Rupee, as prescribed by Clause 1, Section I. Regulation XIV. 1818. It is further convenient to introduce the weight of the Furruckabad Rupee as the Unit of a general system of Weights for Government transactions throughout India under the Native and well known denomination of the *Tola*. The following Rules have accordingly been enacted by the Governor General in Council to be in force from the date of their promulgation:

Parts of former Regulations rescinded.

II. So much of Clause 2, Section I. Regulation XIV. 1818, as fixes the Weight and Standard of the Nineteenth *Sun* Sicca Rupee, and of Regulation XI. 1819, as fixes the Weight and Standard of the Furruckabad Rupee, is hereby rescinded.

The Weight and Standard of the Calcutta Sicca Rupee and of the Furruckabad Rupee, and of their respective subdivisions, declared.

III. The Weight and Standard of the Calcutta Sicca Rupee and its subdivisions, and of the Furruckabad Rupee, shall be as follows:

	Weight. Grains.	Fine. Grains.	Alloy. Grains.
Calcutta Sicca Rupee, ...	192	176	16
Ditto Half, ...	96	88	8
Ditto Quarter, ...	48	44	4
Furruckabad Rupee, ...	180	165	15

and its fractions in proportion, being 11-12ths pure and 1-12th alloy.

IV. The

IV. The use of the Sicca Weight of 179.666 Grains hitherto employed for the receipt of Bullion at the Mint, being in fact the weight of the Moorshedabad Rupee of the old Standard, which was assumed as the Sicca Currency of the Honorable Company's Provinces of Bengal, Behar and Orissa, shall be discontinued; and in its place the following Unit, to be called the Tola, shall be introduced, which, from its immediate connection with the Rupee of the Upper Provinces, and of Madras and Bombay, will easily and speedily become universal through the British Territories.

The use of the present Sicca Weight to be discontinued at the Mints of Government.

The *Tola* or *Sicca Weight* to be equal to 180 Grains Troy, and the other denominations of weight to be derived from this Unit, according to the following scale; viz.

The Tola to be established of 180 Grains Troy in lieu of the Unit of Sicca Weight 179.666 Grains.

8 Ruttees = 1 Masha = 15 Troy Grains.
12 Mashas = 1 Tola = 180 ditto.
80 Tolas, (or Sicca Weight) 1 Seer = 2½ lbs. Troy.
40 Seers = 1 Mun, or Bazar Maund = 100 lbs. Troy.

A scale of Weights according to this principle, described.

V. The calculation of produce of Bullion at the Mints of Saugor and Calcutta will be made in accordance with the system herein before set forth, subject to the duty or Seignorage of 2 per cent. already provided by the Mint Regulations; and in case of Bullion below Dollar Standard, or more than 6 dwts. worse, subject to a further Mint charge to cover the expense of refining it up to Standard purity, it being optional with the Proprietor of the Bullion to refine it out of the Mint, or to pay the refinage charge according to established rates. A Table of the

The produce of Bullion at the Mints, how to be calculated.

Subject to Seignorage duty—

And to a further charge for refinage when below Standard purity.

The Proprietor may at his option refine his Bullion out of the Mint, or pay the prescribed refinage charge.

A Table of the produce of Silver Bullion annexed to the Regulation.

the produce of Silver Bullion, calculated according to the scale of Tola Weight, and the modification of the Sicca and Furruckabad Rupee herein prescribed, is annexed to this Regulation.

Weights for Government or Public purposes to be adjusted and verified according to the new system prescribed in Section IV. of this Regulation.

VI. The system of Weights described in Section IV. is to be adopted at the Mints and Assay Offices of Calcutta and Saugor respectively, in the adjustment and verification of all Weights for Government or public purposes, sent thither for examination.

TABLE of the Intrinsic or Assay Produce of Silver Bullion in Furruckabad and Calcutta Rupees, to be used at the Mints of Calcutta and Saugor, from the promulgation of this Regulation.

Weight of Bullion in Tolas or New Sicca Weight.	Assay Report.	Touch, or Fine Silver in 100 parts.	Produce in Furruckabad or Sonat Rupees.	Produce in Calcutta or Sicca Rupees.
100	20 Dwts. Br.	100.000	109.091	102.273
,,	19½ ,, Br.	99.792	108.864	102.060
,,	19 ,, Br.	99.583	108.636	101.846
,,	18½ ,, Br.	99.375	108.409	101.633
,,	18 ,, Br.	99.167	108.182	101.421
,,	17½ ,, Br.	98.958	107.955	101.121
,,	17 ,, Br.	98.750	107.727	100.994
,,	16½ ,, Br.	98.542	107.500	100.781
,,	16 ,, Br.	98.333	107.273	100.568
,,	15½ ,, Br.	98.125	107.045	100.355
,,	15 ,, Br.	97.917	106.818	100.142
,,	14½ ,, Br.	97.708	106.591	99.929
,,	14 ,, Br.	97.500	106.364	99.716
,,	13½ ,, Br.	97.292	106.136	99.502
,,	13 ,, Br.	97.083	105.909	99.290
,,	12½ ,, Br.	96.875	105.682	99.077
,,	12 ,, Br.	96.667	105.455	98.864
,,	11½ ,, Br.	96.458	105.277	98.697
,,	11 ,, Br.	96.250	105.000	98.437
,,	10½ ,, Br.	96.042	104.773	98.225
,,	10 ,, Br.	95.833	104.545	98.011

Weight of Bullion in Tolas or New Sicca Weight.	Assay Report.	Touch, or Fine Silver in 100 parts.	Produce in Furruckabad or Sonat Rupees.	Produce in Calcutta or Sicca Rupees.
100	9½ Dwts. Br.	95.625	104.318	97.798
,,	9 ,, Br.	95.417	104.091	97.585
,,	8½ ,, Br.	95.208	103.864	97.372
,,	8 ,, Br.	95.000	103.636	97.159
,,	7½ ,, Br.	94.792	103.409	96.946
,,	7 ,, Br.	94.583	103.182	96.733
,,	6½ ,, Br.	94.375	102.955	96.520
,,	6 ,, Br.	94.167	102.727	96.306
,,	5½ ,, Br.	93.958	102.500	96.094
,,	5 ,, Br.	93.750	102.273	95.881
,,	4½ ,, Br.	93.542	102.045	95.667
,,	4 ,, Br.	93.333	191.818	95.454
,,	3½ ,, Br.	93.125	101.591	95.241
,,	3 ,, Br.	92.917	101.364	95.029
,,	2½ ,, Br.	92.708	101.136	94.815
,,	2 ,, Br.	92.500	100.909	94.602
,,	1½ ,, Br.	92.292	100.682	94.389
,,	1 ,, Br.	92.083	100.455	94.176
,,	½ ,, Br.	91.875	100.227	93.963
,,	Standard.	91.667	100.000	93.750
,,	½ Dwts. Wo.	91.458	99.773	93.537
,,	1 ,, Wo.	91.250	99.545	93.323
,,	1½ ,, Wo.	91.042	99.318	93.111
,,	2 ,, Wo.	90.833	99.091	92.898
,,	2½ ,, Wo.	90.625	98.864	92.685
,,	3 ,, Wo.	90.417	98.636	92.471
,,	3½ ,, Wo.	90.208	98.409	92.258
,,	4 ,, Wo.	90.000	98.182	92.046
,,	4½ ,, Wo.	89.792	97.955	91.833
,,	5 ,, Wo.	89.583	97.727	91.619
,,	5½ ,, Wo.	89.375	97.500	91.406
,,	6 ,, Wo.	89.167	97.273	91.193
,,	6½ ,, Wo.	88.958	97.045	90.980
,,	7 ,, Wo.	88.750	96.818	90.767
,,	7½ ,, Wo.	88.542	96.591	90.554
,,	8 ,, Wo.	88.333	96.364	90.341
,,	8½ ,, Wo.	88.125	96.136	90.127
,,	9 ,, Wo.	87.917	95.909	89.915
,,	9½ ,, Wo.	87.708	95.682	89.702
,,	10 ,, Wo.	87.500	95.455	89.489
,,	10½ ,, Wo.	87.292	95.227	89.275
,,	11 ,, Wo.	87.084	95.000	89.062
,,	11½ ,, Wo.	86.875	94.773	88.850
,,	12 ,, Wo.	86.667	94.545	88.636
,,	12½ ,, Wo.	86.458	94.318	88.423
,,	13 ,, Wo.	86.250	94.091	88.210
,,	13½ ,, Wo.	86.042	93.864	87.998
,,	14 ,, Wo.	85.834	93.636	87.784
,,	14½ ,, Wo.	85.625	93.409	87.571
,,	15 ,, Wo.	85.417	93.182	87.358

Weight of Bullion in Tolas or New Sicca Weight.	Assay Report.	Touch, or Fine Silver in 100 parts.	Produce in Furruckabad or Sonat Rupees.	Produce in Calcutta or Sicca Rupees.
100	15½ Dwts. Wo.	85.208	92.955	87.145
,,	16 ,, Wo.	85.000	92.727	86.932
,,	16½ ,, Wo.	84.792	92.500	86.719
,,	17 ,, Wo.	84.583	92.273	86.506
,,	17½ ,, Wo.	84.375	92.045	86.292
,,	18 ,, Wo.	84.167	91.818	86.079
,,	18½ ,, Wo.	83.958	91.591	85.867
,,	19 ,, Wo.	83.750	91.364	85.654
,,	19½ ,, Wo.	83.542	91.136	85.440
,,	20 ,, Wo.	83.333	90.909	85.227

and so on for Bullion of inferior quality.

All Bullion or Foreign Coin brought to the Mint for Coinage is subject to a Seignorage of Two per Cent.; but upon the Recoinage of Rupees struck at any of the Honorable Company's Mints, a duty of One per Cent. only is levied.

Upon all Bullion of a quality inferior to Standard, (unless the same be required at the Mint for the purposes of alligation), a charge is made for the expence of refining the said Bullion up to the quality of the Rupee, at the rate of .04 per Cent. per dwt. of worseness in the Assay Report. Thus, upon Bullion reported 12½ dwts. worse, the charge for refinage will be

12½ multiplied by .04 = 0.50 or One-half per Cent.

Upon 20 Wo. it will be 20 × .04 = 0.80 per Cent.

and

and so on for Silver of other qualities, as in the following Table:

TABLE of Refining Charge on Silver Bullion.

Assay.	Refining Charge per Cent.	Assay.	Refining Charge per Cent.	Assay.	Refining Charge per Cent.
0½ Wo.	0.02	6½ Wo.	0.26	12½ Wo.	0.50
1 Wo.	0.04	7 Wo.	0.28	13 Wo.	0.52
1½ Wo.	0.06	7½ Wo.	0.30	13½ Wo.	0.54
2 Wo.	0.08	8 Wo.	0.32	14 Wo.	0.56
2½ Wo.	0.10	8½ Wo.	0.34	14½ Wo.	0.58
3 Wo.	0.12	9 Wo.	0.36	15 Wo.	0.60
3½ Wo.	0.14	9½ Wo.	0.38	15½ Wo.	0.62
4 Wo.	0.16	10 Wo.	0.40	16 Wo.	0.64
4½ Wo.	0.18	10½ Wo.	0.42	16½ Wo.	0.66
5 Wo.	0.20	11 Wo.	0.44	17 Wo.	0.68
5½ Wo.	0.22	11½ Wo.	0.46	17½ Wo.	0.70
6 Wo.*	0.24	12 Wo.	0.48	18 Wo.	0.72

* By the practice of the Calcutta Mint, the charge for refinage is usually remitted up to 6 Wo.; at the Saugur Mint, it is levied on all denominations of Bullion inferior to Standard.

A. D. 1833. REGULATION VIII.

A REGULATION *for the occasional appointment of Additional Judges of the Zillah and City Courts.—Passed by the Governor General in Council on the 26th August* 1833, *corresponding with the* 11*th Bhadoon* 1240 *Bengal Era; the 26th Bhadoon* 1240 *Fusly; the 12th Bhadoon* 1240 *Willaity; the 12th Bhadoon* 1890 *Sumbut; and the 9th Rubbee-us-Sanee* 1249 *Higeree.*

THE number of Civil Causes depending before the Judges of some of the Zillah and City Courts being so considerable, that great delay must occur in the investigation and decision of them, and of other Causes that may be instituted previous to their determination, unless some provision be made to expedite the same; and the accumulation of such Causes having chiefly proceeded from accidental circumstances, the effect of which may be removed by a temporary arrangement for the trial and decision of the Causes in arrear, without a permanent alteration of the established jurisdictions; it is expedient that provision be made for the occasional appointment of Additional Judges, to assist in the trial and decision of Causes depending before the Judge of any Zillah or City Court in which such an appointment PREAMBLE.

is

is now required, under the circumstances above stated; or may hereafter become requisite, under a recurrence of similar circumstances; the following Rules have accordingly been enacted to be in force from the date of their promulgation throughout the Provinces immediately subject to the Presidency of Fort William.

Provision for appointment of Additional Judges, when requisite.

II. *First.* When the number of Civil Causes depending before the Judge of any Zillah or City Court may be such as to require the aid and appointment of Additional Judges for the speedy investigation and decision of such Causes, the Governor General in Council, at the recommendation of the Court of Sudder Dewanny Adawlut, or otherwise, if it shall appear to him expedient, will appoint any number of Additional Judges for the Zillah or City wherein it may be requisite, to be denominated "Additional Judges of such Zillah or City"; who, previously to entering upon the execution of the duties of his office, shall take and subscribe the same oath as is directed to be taken and subscribed by the Judges of the Zillah and City Courts.

Duties and powers of the Additional Judges.

Second. The Additional Judges so appointed are empowered to perform any part of the duties of the Judge of the Zillah or City to which they may be appointed that the Governor General in Council may assign to them; and such Additional Judges in the performance of those duties, will exercise the same powers and be guided by the same Rules and Regulations in every respect as the Zillah or City Judge.

A. D. 1833. REGULATION IX.

A REGULATION *to modify certain portions of Regulation VII. of* 1822, *and Regulation IV. of* 1828; *to provide for the more speedy and satisfactory decision of Judicial questions cognizable by Officers of Revenue employed in making Settlements under the above Regulations; for enforcing the production of the Village Accounts; for the more extensive employment of Native Agency in the Revenue Department; and to declare the intent of Section V. Regulation VII. of* 1822, *touching claims to Malikana.—Passed by the Governor General in Council on the 9th September* 1833, *corresponding with the 25th Bhadoon* 1240 *Bengal Era; the 10th Bhadoon* 1240 *Fusly; the 26th Bhadoon* 1240 *Willaity; the 10th Bhadoon* 1890 *Sumbut; and the 23d Rubbee-us-Sanee* 1249 *Higeree.*

PREAMBLE.

EXPERIENCE having demonstrated the expediency of modifying certain Enactments of Regulation VII. of 1822, and Regulation IV. of 1828, also of providing a more speedy and satisfactory mode of deciding such Judicial questions as may be cognizable by Officers of the Revenue Department under those Regulations; and of declaring the intent of the Rules regarding Malikana promulgated by Section V. Regulation VII. of 1822—It having been found expedient likewise that measures should

should be adopted for enforcing the production of the Village Accounts, and for rendering them accessible to all persons concerned having occasion to examine them—Also, that Natives of respectability should be employed in more important trusts connected with the Revenue Administration—The following provisions have been enacted to be in force from the date of their promulgation :—

Provisions of Regulation VII. 1822 in regard to the mode of determining the amount of Juma to be demanded from any Mehal, rescinded.

II. So much of Regulation VII. of 1822 as prescribes, or has been understood to prescribe, that the amount of Juma to be demanded from any Mehal shall be calculated on an ascertainment of the quantity and value of actual produce, or on a comparison between the costs of production and value of produce, is hereby rescinded.

Provisions of the above Regulation in regard to the simultaneous prosecution of Judicial investigations and determination of the Government demand, rescinded.

III. So much of the above Regulation as prescribes, or has been understood to prescribe, that the Judicial investigation into and decision on questions of disputed private claims, shall be conducted simultaneously with the ascertainment of, and determination on the amount of the Government demand, is hereby rescinded.—The Governor General in Council will hereafter determine the order in which the above matters shall be respectively disposed of.

The Governor General in Council will hereafter determine the order in which these matters shall be disposed of.

Parts of Regulation IV. 1828, rescinded.

IV. Clauses First, Second and Third, of Section II. Regulation IV. of 1828, are hereby rescinded.

Declaration in addition to Section XXXIII. Regulation VII. 1822, that it shall be lawful for a

V. In addition to Section XXXIII. Regulation VI 1822, it is hereby enacted, that whenever any Judicial ques

may be depending before a Collector, or other Officer employed in making Settlements under the provisions of Regulation VII. of 1822, in which the interests of justice may, in the opinion of such Officer, require that the case be decided by arbitration, it shall be lawful for him to fix, under the instructions with which he may be furnished by the Superior Revenue Authorities, a period within which the parties must produce the award.

Collector, or other Officer employed in making Settlements under Regulation VII 1822, to fix under the Instructions of the Superior Revenue Authorities, a period within which the parties to a judicial question pending before him, and referred to arbitration must produce the award.

VI. In that case, if the parties shall refuse or neglect to produce such award within the term limited, it shall be lawful for the Collector, or other Officer, to summon a Punchayut, to be composed of three or five impartial and otherwise competent persons, of good repute, for the trial of the matter at issue.

If the parties refuse or neglect to produce the award within the term fixed, the Collector or other Officer may summon a Punchayut for the trial of the matter—Punchayut how to be composed.

VII. After duly considering the statements and evidence offered by the parties, or in case of the default or recusance of either the statements and evidence produced by the party in attendance, the Punchayut shall declare their opinions, and judgment shall be recorded according to the sentence of the majority. The Superior Revenue Authorities will, from time to time, issue such rules of practice for the guidance of the Officers employed on this duty, or the Punchayuts, as they may consider necessary.

Punchayuts so summoned how to proceed to a decision. The Superior Revenue Authorities to issue rules of practice for the guidance of the Collector or other Officer as above, or of the Punchayuts.

VIII. No appeal shall be allowed from such decisions, which shall be immediately executed and maintained, unless the Commissioner, subject to the control of the Sudder Board of Revenue, should think proper, for any special reason, to direct that the case shall be submitted to another Punchayut for decision.

What appeal to lie from the decisions of such Punchayuts.

Suits brought in any Court of Justice to set aside decisions under the above rules, to be non-suited with costs.

IX. Any suit brought before any Court of Justice to set aside a decision made in conformity with the above rules shall be non-suited with costs.

In like manner suits against the arbitrators, collectively or individually, appointed under those Rules, to recover the value of the property lost under their award, to be non-suited with costs.

X. In like manner any suit brought before any Court of Justice against the arbitrators, collectively or individually, appointed in conformity with the Rules prescribed, to recover from them the value of the property lost by the decision founded on their award, shall be non-suited with costs.

Declaration of the intention of the Rules concerning Malikana in Section V. Regulation VII. 1822.

XI. It is hereby declared that the Rules concerning Malikana, contained in Section V. Regulation VII. of 1822, were intended to have prospective effect only, and to be applicable solely to Settlements made under that Regulation, and to recusance tendered at the completion of such Settlements.

Village Accounts how to be kept and how many sets prepared.

XII. It is further enacted, that the village accounts, which are required to be kept in such manner and form as has heretofore been the custom, or in such other mode as may hereafter be prescribed by the Boards of Revenue, shall be prepared in duplicate sets; one for deposit in the office of Putwarree, and one for deposit in the office of Collector of the District in which the respective Estates or tenures may be situated, and wherever the office of a Canoongoe may be established, a third copy shall be prepared and deposited in that office.

Those accounts in what mode and at what periods to be furnished for deposit in the Pergunnah and

XIII. The several accounts required for deposit in the Pergunnah and Zillah Revenue Offices, as above stated, instead

of being delivered at the expiration of every six months, as prescribed by the rules at present in force, shall be furnished in such mode and at such periods as the Boards may direct. They shall be open to the inspection of every person concerned, desirous of examining them.

Zillah Revenue Offices. To be open to the inspection of all persons concerned.

XIV. Any Zemindar, Farmer, or other description of Land-holder, who, after the promulgation of this Regulation, may refuse or neglect to conform to the above rule, shall be deemed incompetent to oust any Ryott or other Tenant from the land occupied by him for non-performance of the conditions of his tenure or lease, or on any other pretext, or to distrain the property of any Ryott or Tenant, or sue him in any Court of Justice for an arrear of rent, or the breach of any agreement that may have been contracted by him.

What disabilities to attach to Zemindars, Farmers, or other Land holders, who, after the promulgation of this Regulation, may refuse or neglect to conform to the rules above provided regarding village accounts.

XV. Any such suit instituted in a Court of Justice by a Zemindar, Farmer, or other Land-holder, who has not conformed to the above rule, shall be non-suited with costs; and should he proceed to oust a Ryott or other Tenant from the land occupied by him, or distrain his property, he shall be liable to damages on account of such illegal acts, to such amount as the Court awarding the restitution of such land or property may deem adequate.

Suits to recover arrears, &c. instituted in any Court of Justice by a Land-holder not having conformed to those rules, to be non-suited with costs. If such Land-holder proceed to oust a Tenant, or to distrain his property, to be liable to damages.

XVI. It shall be competent to the Governor General in Council to appoint to any Revenue Jurisdiction a Deputy Collector, with the powers hereinafter specified.

The Governor General in Council may appoint Deputy Collectors in any Revenue Jurisdiction.

XVII.

Persons eligible to the office and how to be appointed.

XVII. The office of Deputy Collector shall be open to Natives of India of any class or religious persuasion. The persons selected shall be appointed by the Governor General in Council, and shall receive their Commissions from Government in the usual mode, under the signature of the Secretary in the Revenue Department.

Their monthly allowance how to be fixed, and in what manner susceptible of increase.

XVIII. The Deputy Collectors will receive a monthly allowance to be fixed by the Governor General in Council, and to be susceptible of increase, from time to time, as their conduct may appear to entitle them respectively to such consideration.

Declaration to be made by the Deputy Collectors appointed under this Regulation.

XIX. Every person appointed to the office of Deputy Collector under this Regulation, shall, previously to entering upon the execution of the duties of his situation, make and prescribe before the Collector of the District in which he may be employed, a Solemn Declaration in the form of the oath required under Section XXVI. Regulation V. 1804 to be taken by persons employed in the collection of the Public Revenue.

The Deputy Collectors appointed under this Regulation to be subordinate to the Collector under whom they are placed.

XX. The Deputy Collectors appointed under this Regulation are to be in all respects subordinate to the Collector under whom they may be placed, and are required to perform all duties assigned to them by that functionary.

Duties in which the Collectors may employ them.

XXI. It will be at the discretion of the latter Officer to employ them in Settlement duties under the provisions of Regulation VII. 1822, in the superintendence of the Government Khas Mehals, and generally in the transaction of any other part of the duties of a Collector.

XXII.

XXII. All proceedings held by a Deputy Collector appointed under this Regulation, shall be recorded in his own name and on his own responsibility, subject to the revision and control of the Collector, and appealable to the Superior Authorities in the usual course.

Their proceedings how to be recorded and how appealable.

XXIII. Provided always that the Collector is competent to resume the duties which he may have committed to the Deputy, assigning his reasons for so doing for the information of the Commissioner.

The Collector may resume the duties committed to them, informing the Revenue Commissioner of his reasons.

XXIV. Provided also, that the Revenue Commissioners, whenever they think proper, may interfere with any arrangements made by the Collectors for the employment of the Deputies, or the distribution of business to be assigned to those functionaries, subject to the general control vested in the Sudder Board of Revenue or the Government, as the case may be.

What interference may be exercised by the Revenue Commissioners with the arrangements made by the Collectors for the employment of the Deputy Collectors.

XXV. A Deputy, appointed under this Regulation, shall not be removable but for misconduct, and with the sanction of the Governor General in Council. Whenever there may be reason to believe that a Deputy is disqualified by neglect, incapacity, or corruption, for continuance in Office, a report shall be submitted by the Local Authorities, through the channel of the Sudder Board of Revenue, for the consideration of the Governor General in Council, who shall be competent to suspend him, and order a further inquiry into the conduct of such Deputy, or to direct his immediate dismissal, as may appear just and proper.

Rules regarding the dismissal of the Deputy Collectors.

A. D. 1833. REGULATION X.

A REGULATION *for including Spirituous Liquors of* European *Manufacture in the prohibition contained in Regulation IV.* 1831, *against the Retail Sale of other Spirituous Liquors in the Eastern Settlements.—Passed by the Governor General in Council on the 9th September* 1833, *corresponding with the 25th Bhadoon* 1240 *Bengal Era; the* 10*th Bhadoon* 1240 *Fusly; the* 26*th Bhadoon* 1240 *Willaity; the* 10*th Bhadoon* 1890 *Sumbut; and the* 23*d Rubbee-us-Sanee* 1249 *Higeree.*

PREAMBLE.

WHEREAS by Clause First, Section III. Regulation IV. 1831, no person is allowed, except on the terms therein prescribed, to Retail Wine or European Spirituous Liquors of any kind or description within the Settlements of Prince of Wales' Island, Singapore and Malacca, in less quantities than Three Gallons, or One Dozen of Quart Bottles, nor to retail other Spirituous Liquors in less quantities than Half a Pipe, Half a Puncheon, or Half a Leaguer, or if in Bottles in less quantities than Six Dozen Quart Bottles; and whereas for the better security of the Revenue derived from the sale of the exclusive privilege of retailing Spirituous Liquors within the Settlements of Prince of Wales' Island, Singapore and Malacca, it has been deemed

deemed expedient to include Spirituous Liquors of *European* Manufacture in the prohibition contained in Clause First, Section III. Regulation IV. 1831, against the Retail Sale of other Spirituous Liquors, the following amended Rule in lieu of Clause First, Section III. Regulation IV. 1831, has been passed by the Right Honorable the Governor General in Council, to have effect from the date of its promulgation within the Settlements of Prince of Wales' Island, Singapore and Malacca.

Clause First, Section III. Regulation IV. 1831, rescinded.

II. Clause First, Section III. Regulation IV. 1831, is hereby rescinded.

Wine not to be sold in less quantities than Three Gallons, or One Dozen Quart Bottles.

III. No person shall retail Wine within the Settlements of Prince of Wales' Island, Singapore and Malacca, in less quantities than Three Gallons, or One Dozen of Quart Bottles, nor shall any person retail Spirituous Liquors of any kind or description in less quantities than Half a Pipe, Half a Puncheon, or Half a Leaguer, or if in bottles in less quantities than Six Dozen Quart Bottles, without paying to the Renter, or Person or Persons duly Licensed by Government, Fifty (50) Pice per Gallon, or Fifty Pice for every four Quart Bottles.

Spirituous Liquors of any kind or description not to be retailed in less quantities than Half a Pipe, Half a Puncheon, or Half a Leaguer, or Six Dozen Quart Bottles, without paying the prescribed Duty.

A. D. 1833. REGULATION XI.

A REGULATION *for modifying Regulation VII. of* 1830, *of the Code of Prince of Wales' Island, Singapore and Malacca, relative to Pawn Brokers' Shops at the Settlements of Prince of Wales' Island, Singapore and Malacca, and their Dependencies.— Passed by the Governor General in Council on the 9th September* 1833, *corresponding with the 25th Bhadoon* 1240 *Bengal Era; the* 10*th Bhadoon* 1240 *Fusly; the 26th Bhadoon* 1240 *Willaity; the* 10*th Bhadoon* 1890 *Sumbut; and the 23d Rubbee-us-Sanee* 1249 *Higeree.*

PREAMBLE.

SOME inconveniences having been experienced under the existing Regulation, the following Rules have been passed for the more effectual prevention of fraud, the collusive receipt of stolen Goods on pawn, and other irregularities, and for defining the Rules to be observed by all persons employing themselves as Pawn Brokers at the Settlements of Prince of Wales' Island, Singapore and Malacca, and their dependencies, to be in

in force for the aforesaid Settlements, from the date of their promulgation.

Privilege detailed.

II. The exclusive privilege of holding Pawn Brokers' Shops within the limits of Prince of Wales' Island, Singapore and Malacca, and the places thereto subordinate and annexed, shall be vested in such person or persons only as the Local Officers may be pleased to license for that purpose, whether by disposing of it to Renters for a certain period on terms and conditions to be determined by Government, or by committing it to Public Officers as Agents acting under the direct orders of Government, due notice being given at the commencement of each official year.

Persons infringing the privilege defined in the preceding Section.

III. No person or persons, within the limits assigned to this privilege by the preceding Section, save and except the Renters of the privilege, or the individuals duly authorized by Government, shall exercise the trade of Pawn Broker, or in any way contravene the spirit of this Section. Any person or persons convicted before two Magistrates of infringing the Rule

Subject to Fine.

contained in this Section, will be liable to a Fine not exceeding Fifty Sicca Rupees for the first offence, One Hundred Sicca Rupees for the second and every subsequent offence, and in default

Fine—in default of payment, to be commuted for imprisonment.

of payment, the Fine shall be commuted for imprisonment for a period not exceeding one month for the first offence, and of two months for the second and every subsequent conviction.

The number and situation of Houses to be determined by Local Authorities.

IV. *First.* The number and situation of Houses to be appropriated as licensed receptacles for Pawns, within the limits

of

of Prince of Wales' Island, Singapore and Malacca, and the places thereto subordinate and annexed, shall be determined and restricted by the Local Authorities. Such Houses shall adjoin the streets and shall be open from day-light until nine at night during each day, and Pawns shall not be received between the hour of nine o'clock at night and day-light on the next morning, under a penalty not exceeding One Hundred Sicca Rupees, recoverable from the Holder of a Shop, on conviction before a Magistrate, and in failure of payment to simple confinement for a period not exceeding two months.

The Shops shall adjoin the streets and shall not be open before day-light, nor later than 9 o'clock at night.

Penalty to the Owners of Shops.

Second. All persons employed in charge of Houses for receiving Pawns shall take out and hold a License for the same from the Police Office under signature of the Magistrate, which License shall be hung or fixed over the door of such House in the most conspicuous manner. The violation of this Rule will subject the offender to the penalty, forfeitures and fines described in the preceding Clause of this Section.

Persons employed in charge of Houses for receiving Pawns to take out a License from the Police Office, under signature of the Magistrate, which License shall be exposed over the door in a conspicuous manner.

Penalty.

V. No Soldier or Sepoy shall be admitted into the Houses or Shops for the purpose of pawning articles, neither shall a Pawn be received from them under any pretence whatever, without the written or personal sanction of the immediate Superior Commissioned Officer of the individuals tendering a Pawn. Any Licensed Pawn Broker who may contravene this Rule, will be liable to a Fine of Fifty Sicca Rupees, on conviction before a Magistrate, or in default of payment to simple confinement for one month.

No Soldiers or Sepoys shall be admitted into the Shop without permission from the immediate Superior Commissioned Officer.

No Pawn to be taken from a Child under fourteen years of age under penalties prescribed by the last Section.

VI. A Pawn shall not be received from a Child under fourteen years of age. The infringement of this Rule will, on conviction before a Magistrate, subject the Pawn Broker so convicted, to the fines and punishment prescribed in the last Section.

Registers of Pawns to be kept, and a duplicate to be granted to persons pawning articles.

VII. The Licensed Pawn Brokers shall keep Registers wherein they shall regularly enter all Pawns, and shall supply the individuals who may tender an acceptable Pawn with a certificate, which certificate shall be a duplicate of the entry made in their Books, which shall be produced at the Police Office whenever they may be called for. Any evasion of the Rules contained in this Section will, on conviction before a Magistrate, subject the Licensed Pawn Broker so convicted, to the fines and punishments prescribed in Section V. of this Regulation.

Penalty for infringement of the above Rules.

Report to be made to the Police Office in all cases when suspicion may attach to the Pawn tendered, or the person pawning under similar Penalties.

VIII. Licensed Pawn Brokers shall not fail to report to the Police Office in all cases where suspicions may appear to attach to the individuals tendering Pawns or to any Pawn tendered, under the fine and punishment to be awarded under Section V. of this Regulation.

Period allotted for the recovery of Pledges.

IX. All Goods Pawned shall be deemed, if perishable, to be forfeited at the expiration of four months from the date on which they were pledged; and if otherwise at the expiration of one year, when, if they exceed in value Twenty-five Sicca Rupees, they shall be sold by Public Auction, due notice being given to the Magistrates, and to the Public by beat of Gong, two days previous to the day of sale. Any excess which may arise beyond the

the Debt of the original Owner shall be returned to the Proprietor on demand; but should the amount realized fall short of the Debt the deficiency or loss will fall upon the Pawn Brokers. The violation of any of these Rules will subject the convicted offender to the fine and punishment to be awarded by Section V. of this Regulation.

Under a Penalty.

X. The Licensed Pawn Brokers shall have written in the Portuguese, Malay, Chinese and Tamul languages, in a legible hand, the rates of interest which the Licensed Pawn Brokers may from time to time be permitted to demand under the sanction of the Local Authorities, and beyond those rates they shall be prohibited from demanding or receiving interest. It shall be incumbent on the Licensed Pawn Brokers to exhibit the aforesaid Table of authorized Interest to any individual tendering a Pawn who may demand a perusal of the same. Every deviation, or evasion, or infringement of the Rules contained in this Section, will subject the convicted Pawn Broker to the fine and punishment prescribed in Section V. of this Regulation.

The rates of authorized interest to be intelligibly written, and to be exhibited on demand to persons tendering Pledges.

Under the Penalties contained in Section V.

XI. If any person or persons be found riotous or quarrelsome in a Pawn Broker's Shop, the holder of such shop if unable to quell the disturbance, shall apply to the nearest Police Officer for aid, in failure whereof the holder of such House will be viewed as a party concerned in the riot, and be liable to all Penalties consequent thereon.

The Police to be apprized in all cases when a riot in the Pawn Brokers' Shops cannot be quelled.

Penalty.

A. D. 1833. REGULATION XII.

Repealed by Act 1 of 1846.

A REGULATION *for modifying certain of the Provisions of the existing Regulations regarding the Selection, Appointment and Remuneration of authorized Pleaders.—Passed by the Governor General in Council on the 4th November* 1833, *corresponding with the 20th Cartick* 1240 *Bengal Era; the 7th Cartick* 1241 *Fusly; the 21st Cartick* 1241 *Willaity; the 7th Cartick* 1890 *Sumbut; and the 21st Jumadee-us-Sanee* 1249 *Higeree.*

WHEREAS the present Rules regarding the Selection, Appointment and Remuneration of authorized Pleaders in the Courts of Sudder Dewanny Adawlut have been found in some respects injurious to the interests of parties in Suits in those Courts, and Whereas any inconvenience that may be expected to arise from increasing the number of Pleaders, or from the admission of unqualified persons, will be more effectually met and corrected by the interests of the parties than by any interference by the Courts, the following Rules have been enacted to be in force from the date of their promulgation. PREAMBLE.

II. *First.*

Parts of Regulations modified.

II. *First.* The Provisions of Regulation XXVII. 1814, Section XXX. Regulation V. 1831, or any other Regulation in force relative to the Appointment, Removal and Remuneration of Vakeels or Native Pleaders in the Courts of Sudder Dewanny Adawlut, are hereby declared subject to the following modifications :—

The Office of Pleader in the Courts of Sudder Dewanny Adawlut declared open to all persons, of whatever nation or religion.

Second. The Office of Pleader in the Courts of Sudder Dewanny Adawlut shall be open to all persons of whatever nation or religion.

Applications for practising as an authorized Pleader in those Courts, or for the employment of general Agents, how to be made and determined.

Third. Any person desirous of practising as an authorized Pleader in either of those Courts, or any person who may wish to employ an Agent, not being an authorized Pleader, to conduct generally all suits or other business before the Court, in which such person may be concerned, shall submit his application to the Court, and if a majority of the Court be in favor of the application, a License shall be granted, authorizing the appointment or employment of such Pleader or General Agent as the case may be, and the number of Pleaders previously licensed shall not be held as a reason for rejecting the application.

Authority for the employment of Agents not being authorized Pleaders in those Courts to conduct suits, how to be obtained.

Fourth. Any person who may wish to employ an Agent, not being an authorized Pleader, to conduct any particular Suit in which such party may be concerned, shall present a Petition to that effect; and the Judge, to whom the Petition may be referred, shall be competent to comply with or reject the application;

application; provided that, in the latter case, an appeal may be made to the Court collectively, to be decided by the majority.

Fifth. Parties employing authorized Pleaders in the Courts of Sudder Dewanny Adawlut are hereby declared at liberty to settle with them for the Remuneration to be paid to them for their professional services, the amount of which shall be specified in the Vakalutnamah, and they shall not be required to make any deposit in Court on account thereof, unless they wish to do so for the satisfaction of their Pleaders. Provided a larger amount than the Fee payable under the existing Regulations, shall not be chargeable in the costs of suits to a losing party on account of Remuneration to his opponent's Pleader.

Authorized Pleaders in those Courts, how to be remunerated.

Proviso.

Sixth. Private engagements between Parties and their Pleaders, when contested, shall be enforced by a regular suit, and no miscellaneous application for that purpose shall be received in any Court.

Private engagements between parties and their Pleaders, how to be enforced.

Seventh. Agents admitted to plead shall be competent to perform all the acts in the conduct of those particular causes entrusted to them, that an authorized Pleader would be competent to perform, and shall be subject to fines and other penalties for neglect, contempt of Court, or other misbehaviour, to the same extent, and in the same manner as the authorized Pleaders of the Courts of Justice are subject by the Regulations.

Functions of Agents.

Eighth. When any suit may be transferred to either of the Courts of Sudder Dewanny Adawlut under the Provisions

Rules for the remuneration of Pleaders in cases transferred from other Courts.

of

of Regulation II. 1833, the Court by whom such suit shall be decided, shall determine the amount of Remuneration to be assigned to the Pleaders, who may have been employed by the parties in conducting such Suit before the Court from which it may be transferred, and generally how any costs previously incurred shall be borne. All sums which may have been deposited in such Court, on account of Pleaders' Fees, shall be kept in deposit until the case is decided, when the amount awarded to the Pleaders shall be paid to them.

Competency of a majority of the Judges of the Courts to deprive an authorized Pleader of his License, and to prevent an Agent from conducting any cause, if guilty of misconduct.

Ninth. The Courts are hereby empowered to deprive an authorized Pleader of his License, and at any stage of the proceedings to prevent an Agent from conducting any cause, if such Pleader or Agent shall be guilty of any misconduct, which a majority of the Judges may deem deserving of that punishment.

The Provisions of Clause 8 of the preceding Section extended.

III. The Provisions of the 8th Clause of the preceding Section are hereby declared applicable to all Courts to which Suits may be transferred for trial from other Courts.

Governor General competent to extend the provisions of this Regulation to any Zillah or City Court.

IV. It shall be competent to the Governor General, by an Order in Council, to extend the whole or any part of the Provisions of this Regulation to any Zillah or City Court.

A. D. 1833. REGULATION XIII.

A REGULATION *for abolishing the Courts of Dewanny Adawlut of the Zillahs of Ramghur and Jungle Mehals, and for providing Special Rules for the Superintendence of certain Tracts of Country at present included in the Zillahs of Ramghur, Jungle Mehals and Midnapore.—Passed by the Governor General in Council on the 2d December* 1833, *corresponding with the* 18*th Aughun* 1240 *Bengal Era; the 5th Aughun* 1241 *Fusly; the* 19*th Aughun* 1241 *Willaity; the 5th Aughun* 1890 *Sumbut; and the* 19*th Rujub* 1249 *Higeree.*

PREAMBLE.

WHEREAS considerations connected with the present state of certain Tracts of Country now included in the Districts of Ramghur, Jungle Mehals and Midnapore, the nature of the disturbances which recently prevailed in various parts of those Districts, and the character of the inhabitants have rendered it expedient

expedient to separate these Tracts from those Districts, and to place them under an Officer to be denominated Agent to the Governor General; and whereas it is necessary to provide Special Rules for the Administration of Civil and Criminal Justice, and for the Superintendence of Police, Land Revenue, Customs, Abkaree, Stamps, and all other local Civil duties; and whereas it is expedient with reference to the proposed arrangements to abolish the Dewanny Adawlut of Zillahs Ramghur and Jungle Mehals, the following Rules have been enacted to be in force from the date on which the Agent to the Governor General may assume charge of the new jurisdiction.

Parts of Regulation III 1793, and Regulation XVIII 1805, rescinded; and the Courts of Dewanny Adawlut of Zillahs Ramghur and Jungle Mehals abolished.

II. Such parts of Regulation III. 1793, and Regulation XVIII. 1805, or any other Regulations as relate to the constitution of the Zillahs of Ramghur and Jungle Mehals are hereby rescinded—and the Courts of Dewanny Adawlut of Zillahs Ramghur and Jungle Mehals are hereby abolished.

Separation of certain Tracts of Country from the Districts of Ramghur, Jungle Mehals and Midnapore.

III. The undermentioned Tracts of Country at present included in the Districts of Ramghur, Jungle Mehals and Midnapore, shall be separated from those Districts, and the operation of the Rules for the Administration of Civil and Criminal Justice, as well as those for the Collection of the Land Revenue, Customs, Abkaree and Stamp Revenue, together with all other Rules contained in the Regulations printed and published in the manner prescribed by Regulation XLI. 1793, is suspended, and shall cease to have effect therein from the date specified in the Preamble of this Regulation, except as hereinafter provided.

The operation of all Rules contained in the Regulations printed and published in the manner prescribed by Regulation XLI 1793, as far as regards the Tracts so separated, suspended.

Exception.

In

In the District of Ramghur—

Chota Nagpore.

Palamow.

Kurruckdeea.

Ramghur.

Koonda.

In the District of Jungle Mehals. All the Mehals at present comprised in this District, except the following—

Sainpaharee.

Sheerghur.

Bishenpore.

In the District of Midnapore—

Dhulbhoom

including Ghatseela.

IV. The Administration of Civil and Criminal Justice, the Collection of Revenue, the Superintendence of the Police, of the Land Revenue, Customs, Abkaree, Stamps, and every branch of Government within the Tracts of Country separated as prescribed in the foregoing Section, shall be vested in an Officer appointed by the Governor General in Council, to be denominated Agent to the Governor General.

The administration and superintendence of every branch of Government within the Tracts so separated, vested in an Officer denominated Agent to the Governor General.

V. It shall be competent to the Governor General by an Order in Council, to prescribe such Rules as he may deem proper, for the guidance of the Agent and all the Officers subordinate to his control and authority, to determine what powers shall be exercised by the Agent and his Assistants respectively,

Governor General declared competent by an Order in Council, to prescribe Rules for the guidance of the Agent and all Officers subordinate to his authority.

Also to define the authority to be exercised by the Agent and the Nizamut Adawlut respectively in Criminal Trials.

respectively, also to determine to what extent the decision of the Agent in Civil Suits shall be final and in what Suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal Trials, and what cases he shall submit for the decision of the Nizamut Adawlut.

The Nizamut Adawlut how to proceed in passing final judgment or orders in Criminal Trials referred by the Agent.

VI. Upon the receipt of any Criminal Trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor General by an Order in Council, the Nizamut Adawlut shall, without submitting the proceedings for the Futwa of their Law Officers, proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper in the same manner as if the trial had been sent up in ordinary course from a Commissioner on Circuit.

The Governor General declared competent by an Order in Council, to annex to any Zillah that portion of the Ramghur and Jungle Mehal Districts, not included in the jurisdiction of the Agent, and to make alterations in the limits of the District placed under the Agent, or of any of the adjacent Zillahs.

VII. It shall be competent to the Governor General by an Order in Council, to annex to any Zillah he may deem proper, that portion of the Ramghur and Jungle Mehal Districts, which is not by this Regulation included in the jurisdiction of the Agent to the Governor General, and to make from time to time such alterations in the limits of the District placed under the Agent, or of any of the adjacent Zillahs, as he may deem expedient.

TITLES

OF THE

REGULATIONS,

PASSED IN THE YEAR

1834.

REGULATION I.

A REGULATION *for limiting and defining the boundary within which the Calcutta Town Duties are leviable.—Passed by the Governor General in Council on the* 1*st February*, 1834.

REGULATION II.

A REGULATION *for abolishing Corporal Punishment; for substituting a Fine in certain cases for a Sentence of Labor; and for the gradual introduction of a better System of Prison Discipline.—Passed by the Vice President in Council on the* 17*th February*, 1834.

PRINCIPAL HEADS

OF THE

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TO THE

REGULATIONS

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1834.

CALCUTTA TOWN DUTIES.
PRISON DISCIPLINE.

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SUBORDINATE HEADS TO THE INDEX.

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ALTERATIONS, MODIFICATIONS, EXTENSIONS, RESCISSIONS, &c.

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A. D. 1834. REGULATION I.

A REGULATION *for limiting and defining the boundary within which the Calcutta Town Duties are leviable.—Passed by the Governor General in Council on the* 1*st February* 1834, *corresponding with the* 20*th Maugh* 1240 *Bengal Era; the* 7*th Maugh* 1241 *Fusly; the* 21*st Maugh* 1241 *Willaity; the* 8*th Maugh* 1890 *Sumbut; and the* 21*st Rumzan* 1249 *Higeree.*

PREAMBLE.

WHEREAS it is advisable for the greater convenience of the Public and for the more regular Collection of the Calcutta Town Duties, to contract the boundary laid down for the City and Suburbs by Section XXVIII. Regulation X. of 1810—The following Rules have been enacted to be in force from the date of their promulgation.

Parts of former Regulation rescinded.

II. Sections XXVIII., XXIX., and XXX., Regulation X. of 1810 are rescinded.

Declaring the Boundaries in which the Calcutta Town Duties are to be levied.

III. *First.* The Calcutta Town Duties leviable under Regulation X. of 1810, shall be collected upon all articles liable

liable under the above Regulation to that impost, on their being imported for sale, store, or consumption into any part of the City or its Suburbs, the boundaries of which are declared to be as follows.

On the River Hooghly to the North of Calcutta, viz., a Line drawn from the entrance of the Bally Khall to the Mouth of the new Canal at Baug Bazar.

On the North, the North East, the East, the South East, and the South, being the Town Duty Boundary on the Left or Eastern Bank of the River Hooghly; viz.

The new Canal from its junction with the River Hooghly at Baug Bazar to its junction with the Ballea Ghatta and Entally Canals near the Customs Chokey of Meergunge. From the junction of the Canals to the Ballygunge Custom Chokey, and from thence to Tollygunge, a straight line being drawn from the junction of the Canals to Ballygunge, and from Ballygunge to Tollygunge. From Tollygunge the right, or Northern Bank of Tolly's Nullah to the junction of that Nullah with the River Hooghly.

On the North, the North West, the West, the South West, and the South, being the Boundary on the Right or Western Bank of the River Hooghly; viz.

From the Bally Khall along the high road from Hooghly to Sangral, through the townlets or villages of Sulkea, Howrah, and Seebpore; to the small Nullah on the Western boundary of

of Mr. Charles Barwell's Premises at Seebpore Point: from thence obliquely across the River to the mouth of Tolly's Nullah.

Second. The whole of the space contained within the boundary lines above described, shall be considered the City and Suburbs in question.

Chokeys to be established by the Collector of Calcutta Customs, under sanction of the Board of Customs, Salt and Opium.

IV. The Collector of Calcutta Customs shall establish Chokeys at such Ghauts on the Hooghly River; the new Canal; the Balleah Ghatta and Entally Canals, and at all such of the entrances of the City or Suburbs of the City, by land or by water, as may be sanctioned by the Board of Customs, Salt and Opium, or other Board or authority vested with the powers now vested in the Board of Customs, Salt and Opium.

Town Duties on articles liable to such duty, with certain exceptions, where to be levied

V. *First.* The Town Duties on articles declared liable to those duties by Regulation X. of 1810, which may be imported from the interior of the country on boats, shall be levied (with the exceptions specified in the following Clause,) on the arrival of the boats at the Northernmost or Southernmost Chokey established for the collection of Town Duties on the River Hooghly—and the duties on articles imported from the interior of the country by land, shall be levied on the articles entering any part of the limits of the City as above defined. The Collector, however, may grant passes for the free passage or entry of the articles so imported into the City, on the applications of the owners, provided that such applications be accompanied with good and sufficient security to his satisfaction for the payment of the amount of the duties chargeable upon them in fifteen days.

Collector may grant free passes on security for payment of Duty.

Second. If

In what cases articles liable to Town Duty are exempted, and in what manner they are to be passed to the Custom House, and eventually disposed of.

Second. If the articles imported from the interior of the country on boats, be expressly intended for exportation by Sea, or be declared to be only passing up or down the River, without any intention of landing them in the City or its Suburbs (and which intention or declaration must be stated in writing to the Officers of the boundary Customs Chokey at which the goods shall first arrive,) no duty shall be levied thereon upon their arrival at either of the River Chokies. But in both cases, the boats on which such articles shall be laden, shall be conducted to the Custom House, by one of the Peons of the Chokey, who shall not quit the boats or permit the articles loaded on them, to be landed at any place, excepting at the Custom House, where they shall remain until either they are shipped or passed under the several Rules contained in Regulation IX. 1810, which may be applicable to the export or passage of such articles, or if not exported nor passed, that the prescribed Town Duties be paid upon their being landed for sale, store, or consumption.

Governor General in Council may alter the Town Duty limits by Notification in the *Calcutta Gazette.*

VI. In the event of any alteration becoming necessary in the Calcutta Town Duty Limits, it shall be competent to the Governor General in Council to prescribe the same by Public Notification in the *Calcutta Gazette*, and the Notification shall be binding on all parties concerned, and have the force of a Regulation—any thing in the existing Regulations to the contrary notwithstanding.

A. D. 1834. REGULATION II.

A REGULATION *for abolishing Corporal Punishment; for substituting a Fine in certain cases for a Sentence of Labor; and for the gradual introduction of a better system of Prison Discipline.—Passed by the Vice President in Council on the* 17*th February* 1834, *corresponding with the* 7*th Phaugun* 1240 *Bengal Era; the* 23*rd Maug* 1241 *Fusly; the* 8*th Phaugun* 1241 *Willaity; the* 8*th Maug* 1890 *Sumbut, and the* 7*th Shuwal* 1249 *Higeree.*

PREAMBLE.

WHEREAS Corporal Punishment has not been found efficacious for the prevention of crime either by reformation or by example, and whereas it is always degrading to the individual, and by affixing marks of infamy which often are forever indelible, prevents his return to an honest course of life, and whereas there is every reason to fear that it is in many cases injudiciously and unnecessarily inflicted, becoming a grievous and irremediable wrong; and whereas it is becoming and expedient that the British Government, as the paramount power in India, should present in its own system the principles of the most

most enlightened legislation, and should endeavour, by its example, to encourage the Native States to exchange their barbarous and cruel punishments of maiming, of torture, of loss of limb, for those of a more merciful and wise character, by which the individual may be reformed and the community saved from these brutalizing exhibitions; and whereas it has been deemed expedient to authorize the substitution of a fine in lieu of labor, in certain minor offences, for which the Criminal Courts are empowered by existing Regulations to pass sentence of imprisonment with labor, either with or without irons; and whereas it has been deemed necessary to provide for the gradual introduction of a better system of prison discipline; the following Rules have been enacted to be in force from the date of their promulgation throughout the Territories subject to the Presidency of Fort William.

Parts of the existing Regulations which authorize sentences of Corporal Punishment, rescinded.

II. *First.* All Provisions of the existing Regulations which authorize a sentence of Corporal Punishment by any Court or any Officer exercising Magisterial powers, are hereby rescinded.

What additional imprisonment to be imposed instead of Corporal Punishment.

Second. Whenever a case may come before such Court or Officer, in which a Prisoner would be liable to Corporal Punishment under the existing Regulations, in addition to the period of imprisonment limited by the Regulations, it shall be competent to such Court or Officer passing sentence to direct an additional period of imprisonment as follows: Courts of Nizamut Adawlut or Courts of Session and Circuit, two years,—Magistrates or Joint-Magistrates one year,—Assistants, Principal and other Sudder Ameens, one month.

III. *First.*

Mod by Act III of 1844.

III. *First.* In all cases of conviction for offences in which a sentence of imprisonment shall be passed for a period less than five years, with exception to the offences of Murder, Decoity, Highway Robbery, Burglary, Theft, Receiving Stolen or Plundered Property, Forgery, Perjury, Arson and Rape, or of convictions of any attempt to commit any of those offences, the Criminal Courts are hereby required to commute the penalty of labor with or without irons, which they are authorized to award in addition to imprisonment, to a fine not exceeding the amount which they are respectively competent to impose under the Regulations in force, such fine to be regulated with reference to the nature of the offence, the circumstances in life of the offender, and the term of imprisonment to which he may be sentenced. The Court imposing the fine shall fix a certain day within a reasonable time not exceeding one month for the payment thereof, and direct that, in default of payment by the period prescribed, the prisoner be subjected to labor without fetters, until such fine be paid, or if not paid, until the completion of the term of his sentence. Nothing, however, in the foregoing Rule shall be construed to supersede the power of the Commissioners of Circuit, Session Judges, or Nizamut Adawlut, of exempting persons from labor and irons in any case whatever in which they may deem such exemption just and proper.

For what offences Criminal Courts are required to commute the penalty of labor with or without irons to a fine.

Fine how to be regulated.

Proviso, in event of default of payment of Fine.

Further Proviso.

Second. All Prisoners who may be exempted, or may be declared entitled to exemption from labor on payment of a fine under the Rule prescribed in the preceding Clause, shall, as far as practicable, be kept separate, both in and out of the Jail, from Convicts under sentence of labor in irons; and Magistrates

Prisoners exempted, or declared entitled to exemption from labor, on the payment of a fine, to be kept separate, as far as practicable, from Convicts sentenced to labor in irons.

gistrates and Superintendents of Prisoners, and their Subordinate Officers, shall be careful to prevent all communication between the two classes.

The Rules contained in Section III declared applicable to persons convicted by Magistrates, Joint Magistrates, Assistants and Principal and other Sudder Ameens, but not to interfere with the Magistrate's discretion of imposing fetters in certain cases.

IV. The Rules contained in Section III. shall be held to apply equally to persons convicted by the Zillah and City Magistrates, Joint Magistrates and Assistants, and by the Principal and other Sudder Ameens, but are not intended to interfere with the general discretion vested in the Magistrates of imposing fetters, or otherwise restraining refractory Prisoners under the Provisions now in force for that purpose, nor to exempt from a sentence of labor, with or without irons, Convicts who having been relieved therefrom, under the Provisions of this Regulation, may effect their escape from a Jail, or other place of confinement, or from the custody of their guards, and may have been re-apprehended.

Magistrates how to proceed in cases where they are of opinion that Prisoners now in Jail should be allowed the benefit of the Rules in Sections III. and IV.

V. *First.* It being desirable that the Rules in the two preceding Sections should be made applicable to Prisoners now in Jail under similar circumstances, it is further enacted that, whenever in any case the Magistrate shall be of opinion, that a prisoner ought to be allowed the benefit of them, he shall report the circumstances of the case to the Commissioner of the Division, or to the Session Judge, if the sentence on the prisoner shall have been passed by the latter, stating the amount of the Fine which should, in his opinion, be demanded from such prisoner in lieu of labor.

Second.

Second. In cases in which the sentence may have been passed by a Commissioner of Circuit or Session Judge, it shall be competent to those Officers respectively, either on the report of the Magistrate, or on other information before them, to revise the sentence with reference to the foregoing Provisions.

Powers of a Commissioner of Circuit or Session Judge in such cases where the sentence has been passed by their Courts.

Third. In cases in which the sentence may have been passed by a Magistrate, Joint Magistrate, or other inferior Court, the Commissioner is hereby authorized to grant or direct exemption from labor, under the Provisions generally of the two foregoing Sections.

Powers of a Commissioner where sentence has been passed by a Magistrate or other inferior Court.

Fourth. If the sentence shall have been passed by the Nizamut Adawlut, the Commissioner shall refer the case, with his opinion thereon, for the consideration and orders of that Court.

Commissioner how to proceed when sentence has been passed by the Nizamut Adawlut.

VI. It is hereby declared, that the Provisions of Clause First, Section II. of this Regulation, shall not exempt Convicts sentenced to labor in irons, from such moderate corporal punishment during their imprisonment, as may be unavoidable for the maintenance of the discipline of the Jails.

The Rules contained in Clause First, Section II not to exempt Convicts sentenced to labor in irons from moderate corporal punishment, during their imprisonment, when unavoidable for the maintenance of discipline of Jails.

VII. It shall be competent to the Governor General, by an Order in Council, to issue such orders as he may, from time to time, deem necessary, for the introduction of a system of discipline into the Jails, calculated both to reform the Convicts and to render their imprisonment efficacious, as an example to deter others from the commission of crime.

The Governor General in Council declared competent to issue orders for the introduction of a proper system of discipline into Jails.